

FECCA

**Access and Equity to  
Feedback and Complaints Mechanisms  
for Multicultural Communities**

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## Recommendations

To ensure culturally and linguistically diverse (CALD) Australians have equal access to, and receive equal outcomes from, Commonwealth Government service feedback and complaints mechanisms **FECCA recommends the following:**

1. Commonwealth departments and agencies should provide capacity for multiple *methods* for feedback and complaints: voice (e.g. directly to the service provider), private actions (e.g. social media) and third-party methods (e.g. Ombudsman).
2. Commonwealth departments and agencies should provide capacity for multiple *channels* for feedback and complaints: including face-to-face, telephone and online.
3. Commonwealth feedback and complaints channels should be specifically designed to meet the needs of CALD consumers.
4. Commonwealth feedback and complaints mechanisms should be consistent between departments and agencies.
5. Commonwealth departments and agencies should prioritise building trust with CALD communities so as to empower individuals to provide feedback and complaints.
6. The Commonwealth Government should run a major promotional campaign highlighting the right of redress for consumers of Commonwealth services targeting CALD communities.
7. Commonwealth departments and agencies should actively promote their feedback and complaints mechanisms in all interactions with CALD and other vulnerable consumers.
8. Commonwealth departments and agencies should develop materials for CALD communities, for distribution through appropriate channels, on how to give feedback and make complaints.
9. **Commonwealth departments and agencies should evaluate the appropriateness of their feedback and complaints mechanisms using the *FECCA checklist for CALD-friendly feedback mechanisms*.**

## FECCA checklist for CALD-friendly feedback and complaints mechanisms

- Is information about how to make complaints and provide feedback available in plain English, other languages and in a variety of formats?
- Can feedback and complaints be provided through multiple *methods* (voice, private and/or third party)?
- Can feedback and complaints be provided through multiple *channels* (online, in person, by phone, in writing)?
- Are staff trained to assist CALD consumers to make complaints / provide feedback?
- Does your organisation have bilingual or bi-cultural staff who can assist CALD Australians in providing feedback or making complaints?
- Are staff aware of the Translating and Interpreting Service (TIS) and trained to deal with complaints made with the assistance of TIS interpreters?
- Does your organisation provide a safe, anonymous means for providing feedback and complaints?
- Does your organisation engage with advocacy groups representing CALD Australians?
- Does your organisation provide clear information on available remedies for service failure (and the limitations of those remedies) to consumers?
- Do you capture data on CALD consumers providing feedback or complaints? Is this data used to better understand and improve performance?
- Can you provide examples of where feedback and / or complaints from CALD consumers has improved service provision?
- Does your organisation have a policy or framework in place for supporting CALD consumers that references inclusive feedback and complaints mechanism?

## Introduction

This report seeks to assist government departments and agencies to meet their commitments and responsibilities under the *Multicultural Access and Equity Policy* by ensuring that feedback and complaints mechanisms are accessible to and equitable for CALD consumers.

The report provides advice on developing feedback and complaints mechanisms which are culturally appropriate and incorporate the needs of individuals from CALD backgrounds and those whose preferred language is a language other than English (LOTE).

It includes:

- information on the channels and methods used by CALD Australians to make complaints
- factors influencing the propensity of CALD Australians to make complaints
- ideas for the design of inclusive feedback and complaints mechanisms
- the centrality of building trust between government departments and agencies and CALD Consumers.

This report includes the *FECCA checklist for a CALD-friendly feedback and complaints mechanisms* which can be used by Commonwealth departments and agencies to evaluate and improve existing processes and to design new mechanisms.

For further information on the background to this report please see Appendix 1.

## Understanding CALD consumers' propensity to make complaints

Feedback and complaints are essential elements of developing and monitoring service delivery. However, complaining is tightly regulated by social and verbal norms of interaction<sup>1</sup>, knowledge, capacity, language, and culture. In most cases where a service failure takes place an individual will not lodge a complaint.<sup>2</sup>

Various factors determine the likelihood of a person making a complaint, the method of complaining, the channel preferred for making a complaint and the likely success of a justified complaint.

FECCA's consultations<sup>3</sup>, FECCA's community survey<sup>4</sup> and a comprehensive literature review highlight the following as key influences upon potential complainants:

### 1. Knowledge of feedback and complaints mechanisms<sup>5</sup>

To successfully interact with feedback and complaints mechanisms, a consumer must know that they can complain and be aware of the available complaints mechanisms. Many CALD consumers:

- are unaware of their right to complain about Government services in general
- are unaware of departmental or agency-specific complaints mechanisms available to receive a complaint
- do not have access to information (in English or LOTE) on complaints mechanisms
- may come from a country which may not have a system whereby the private citizen was empowered to complain
- believe that there may be negative consequences as a result of making a complaint
- are unaware of the protections available to complainants when making a complaint
- are unaware of their rights to redress in complaints processes.

### 2. Cultural background of the complainant

An individual's cultural background can influence (1) a person's willingness to complain<sup>6</sup> and (2) how an individual may choose to express their complaint.<sup>7</sup>

An example of this is **uncertainty avoidance** – the tendency of an individual to avoid a situation that might cause discomfort. Individuals who are influenced by cultures where

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<sup>1</sup> Giannoni, "A comparison"

<sup>2</sup> A. Boden in Pramusinto, "Building Complaint Handling Mechanisms"

<sup>3</sup> FECCA undertook four specific Equity and Access community consultations through 2016/17 and regularly consulted with its internal committees, individuals, members and other stakeholders (see Appendix 3)

<sup>4</sup> FECCA undertook an online community survey in 2016 and received 97 responses (see Appendix 3)

<sup>5</sup> Pramusinto, "Building Complaint Handling Mechanisms"

<sup>6</sup> G. Hofstede, *Culture's consequence: comparing values, Behaviours, institutions and organisations across countries*. (2001). Sage, Thousand Oaks.

<sup>7</sup> Singh, "Voice, exit"; R.R. Liu & P. McClure, "Recognizing cross-cultural difference in consumer complaint behaviour: replication and extension," *Journal of Consumer Satisfaction, Dissatisfaction and Complaining Behavior* 10, (2001): 91-103

uncertainty avoidance is more marked may be less likely to complain, or prefer methods that avoid direct contact or conflict.

### 3. Perceived value of making a complaint or providing feedback

Before making a complaint, consumers will consider the possible 'rewards' or outcomes as compared to the 'costs' (including monetary expense, time, discomfort, inconvenience) of making a complaint.<sup>8</sup>

For CALD consumers there may be additional costs to making a complaint. These include:

- additional time required to organise and communicate through an interpreter
- additional time or financial cost in having to travel to interact face-to-face
- the discomfort and difficulty of communicating in English as a non-preferred language
- additional time or financial cost in engaging an advocate or third party (for example, social worker, family member, bilingual worker) to assist.

A lack of readily available, low-cost, language assistance services for individuals with lower English language proficiency creates barriers to making complaints for many CALD Australians. In a study of disability benefit claimants in the United Kingdom, those belonging to ethnic minorities filed fewer complaints because of limited English language.<sup>9</sup> This is because the (actual or perceived) cost to a CALD consumer in making a complaint is higher than the value of doing so.

*Well-designed CALD-friendly feedback and complaints mechanisms* will not only lower the cost of making a complaint but will also increase the value to an individual of doing so by being responsive and providing appropriate remedies and redress where appropriate.

### 4. Differences in power between service providers and consumers

FECCA's consultations have shown that a major reason why CALD Australians might not interact with feedback and complaints mechanisms is fear of negative repercussions. In FECCA's survey:

- half of respondents said that they had considered potential negative consequences before making a complaint
- over one third said that a fear of negative consequences had stopped them from making a complaint.

As a result, an individual from a CALD background may not make a complaint in cases of (perceived or actual) power differences between consumers and service providers.<sup>10</sup> FECCA's research shows:

- Individuals from cultures that emphasise respect and seniority are less likely to provide feedback or make complaints in situations of power difference.

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<sup>8</sup> Y.-K. Kim & H.-R. Lee, "Passenger complaints under irregular airline conditions – cross-cultural study 15," (2009): 350-353

<sup>9</sup> Giannoni, "A comparison"

<sup>10</sup> I. Phau & M. Baird, "Complainers versus non-complainers retaliatory responses towards service dissatisfactions," *Marketing Intelligence & Planning* 26, no. 6 (2008): 587-604

- Some CALD Australians fear that a complaint to a government service in Australia may result in the withdrawal of services. This may be based on previous experience. For example, for some migrants, making a complaint in their home country or place of refuge may have resulted in services being suspended, curtailed or withdrawn.
- Some new migrants fear that a complaint to the Government about government services may have adverse implications for their immigration status.
- Prior experience of complaining to officials might have involved the expectation of bribes or retaliation by officials through violence or other threats.

## 5. Demographic and psychographic influences

Demographic and psychographic factors influence the likelihood of complaining. For example, level of education is a determinant of the likelihood of making a complaint.<sup>11</sup> Research show that complainers are most likely to be female, younger, better educated, and have a higher income.<sup>12</sup> CALD Australians may have a lower propensity to complain as a group given lower average incomes than the general population and the overrepresentation of CALD Australians in older age groups.

## 6. Severity of the service failure

The severity of a service failure and an individual's subjective view of objective service quality (i.e. tolerance of poor quality service) will also factor in the likelihood of making a complaint. CALD Australians may be less likely to make a complaint because:<sup>13</sup>

- people with different characteristics, including culture, may vary in their perception of the same experience of service.<sup>14</sup> This might be due to lower expectations or comparisons with people from their own community or situation prior to arriving in Australia rather than to the whole Australian population. This means they perceive their situation to be better than it objectively is.<sup>15</sup>
- consumer behaviour may also reflect conditions and legislation of country of origin. For example, an individual may be less likely to complain about a government service failure in Australia, if there is no tradition of complaining to government in their country of origin.<sup>16</sup>
- costs for CALD Australians of making a complaint will generally be higher than the general population, even if they have suffered the same level of damage. This means that CALD Australians will be less likely than the general population to complain about minor service failures (see above).

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<sup>11</sup> Singh, "Voice, exit"

<sup>12</sup> Phau & Baird, "Complainers"

<sup>13</sup> A.L. Dolinsky, "A consumer complaint framework with resulting strategies," *Journal of Services Marketing* 8, no. 3 (1994): 27-39

<sup>14</sup> Kim & Lee, "Passenger complaints"

<sup>15</sup> W. Tomaszewski & F. Perales, "Who settles for less? Subjective dispositions, objective circumstances, and housing satisfaction," *Social Indicators Research* 118, no. 1 (2014): 181-203

<sup>16</sup> Giannoni, "A comparison"

## Understanding CALD consumers' preferred methods for making a complaint

Consumers communicate feedback and make complaints using one or more of three methods. Culture can significantly influence the preferred method for making a complaint. The three methods are:

### 1. Voice actions

Consumers can voice concerns directly with the service provider either to seek redress or to alert them to their concern. However, voicing a concern directly with a service provider may conflict with cultural norms understood by some CALD Australians particularly those influenced by collectivist traditions.

Consumers who are influenced by collectivist traditions:

- are less likely to make a complaint directly with a service provider because of cultural expectations around politeness and the avoidance of conflict
- are even less likely to make a complaint if impacted by other contextual challenges including language, cost, lack of information, or fear.

Consumers who are influenced by individualistic traditions:

- have a stronger understanding of complaining as an individual's right
- are more likely to express annoyance, be less constrained by unspoken social understandings or niceties around 'politeness' and 'seniority'
- are more likely to approach the service provider directly to voice their concern.

### 2. Private actions

Consumers may engage in private action through negative word of mouth, by exiting (no longer using a service or product) or substituting that service or product with another.

Consumers are more likely to engage in private actions rather than voice their concerns directly with the service provider or make a complaint through a third-party when:

- they have lower English language proficiency
- they have lower educational attainment
- there is a power disparity (real or perceived) between provider and consumer
- there is a perception of difficulty in the complaints mechanism or process.

'Private action' behaviours include:

- exiting a service (although this is not possible for many government services, in particular, essential to individual wellbeing)
- sharing experiences with peers verbally including within specific ethnic communities or ethnic community organisations
- expressing views through social media.

### **Good practice: Accessing feedback and complaints made through private actions**

The internet is altering the way consumers voice complaints in all cultures. As a result, the difference between the 'voice' and 'private' response categories are blurring.<sup>22</sup> Using the internet might be 'private' in that it does not involve direct interaction with the service provider, but it can involve the public expression of complaint through social media which is accessed by large numbers of people.

CALD consumers may choose to use social media in their own language or as a safe space to discuss the challenges and barriers faced in their daily life. Trending reports of service failure communicated through social media, ethnic media or community organisations should not be rejected as merely anecdotal. While it may not be possible to directly respond to 'privately' voiced complaints made through public fora such as social media it can be a valuable source of information for government departments, agencies and service providers.

Private actions may also involve the sharing of experiences within specific ethnic communities. The aggregation of information resulting from 'private actions' often takes place in ethnic, linguistic or other community-based organisations. Therefore the design of feedback and complaints mechanisms should allow for the collection of feedback, complaints and other comment through social media, consultations with community organisations and engagement with ethnic media.

### **3. Third party**

A consumer may make a third-party response, for example through an ombudsman or through another form of action such as litigation.

A third-party action for the lodging of feedback and complaints is the least likely course of action for individuals of all cultural backgrounds. Research and consultations show that for CALD consumers third-party actions are even **less** preferred because:

- before reaching third party bodies, complainants may be required to exhaust different complaint handling processes before they can be escalated. This is challenging for CALD consumers for reasons already mentioned
- there may be higher financial costs associated with complaining through a third party, for example, the engagement of legal advice or representation.

Third party actions including the Australian Human Rights Commission, the Commonwealth Ombudsman, the Office of the E-safety Commissioner, the Administrative Appeals Tribunal, judicial review and other means of litigation, are essential to ensuring the accountability of government services. Attention must be paid when designing third-party mechanisms to ensure they are inclusive of CALD consumers and communities.

## Designing inclusive feedback and complaints mechanisms

To ensure equity and access for *all consumers* to Commonwealth feedback and complaints mechanisms the following *general* criteria should be considered in the design of an effective complaints mechanism:<sup>17</sup>

1. easy to access structurally and culturally
2. written in plain, clear and simple language
3. accessible through multiple methods
4. has multiple channels for feedback and complaints (online, hard copy, face to face, telephone)
5. low cost for consumers
6. clear procedures and rules
7. confidential (guarantees the safety of the complainant and their data)
8. responsive to complaints (timely, with appropriate redress)
9. is promoted to relevant communities
10. guarantees that complaints become inputs for improving public service delivery
11. understands cohorts of communities most impacted by service failures (collects data)
12. accessible and usable by the same community cohort that is the recipient of services linked to that mechanism.

These criteria are important in assuring the good functioning, accessibility and responsiveness of all complaints and feedback mechanisms to all types of consumers. However, when designing for CALD consumers there are additional considerations required to ensure these criteria are fulfilled.

### Additional considerations

#### 1. Face to face and telephone channels

*Table 1 – Factors driving preference for face to face or telephone channels: findings from FECCA’s consultations and survey*

- “Because it is easier for my English and the understanding between people will be better.”
- “[I prefer] in person because of the language barrier.”
- “Face to face help – better communication.”
- “It is much easier to communicate with someone in person.”
- “Making sure that someone listens to [my complaint] – not just throw it in the bin”
- “Sometimes It is hard to express myself in writing.”

The availability of face to face channels are an essential component of CALD-friendly feedback and complaints mechanisms. Requirements to have English language proficiency may present difficulties for some CALD consumers to access complaints processes online or via other channels involving written communication. Further, some CALD Australians may have difficulty accessing or navigating online mechanisms because of gaps in digital literacy or problems accessing the internet because of cost or availability.

<sup>17</sup> Pramusinto, “Building Complaint Handling Mechanisms”

## 2. Culturally and linguistically competent staff

Outcomes for CALD consumers who engage directly or in person with complaints mechanisms are reliant upon the skills of the agency representative. Commonwealth departments and agencies must ensure that their people and processes are culturally responsive. Basic skills in complaint handling include:

- strong communications skills
- empathy
- capacity to assess problems in an objective and sensitive manner
- ability to undertake mediation and facilitation
- capacity to overcome tension and pressure in respectful, non-combative ways
- ability to use appropriate ways to reduce the anger of complainants
- empowered to resolve complaints.<sup>18</sup>

However, to ensure that these basic skills for handling complaints are demonstrated effectively in interactions with CALD consumers, the development of both organisational and individual employee cultural competency is essential. This should include:

- an overall CALD framework or policy, proactively implemented, for supporting a diverse workforce and customer base
- the identification and embedding of organisational values that support cultural diversity
- equipping staff with attitudes, knowledge and skills to work in culturally appropriate ways through training, discussion and consultation with CALD consumers and organisations
- reflection of needs of CALD consumers in cost and efficiency goals (additional time required to support CALD consumers, cost of interpreters etc.)
- supporting effective and culturally appropriate communication
- data collection to monitor and evaluate cultural competence issues
- identifying and sharing internal and external examples of good practice in cultural competency (e.g. in managing feedback and complaints).

Specialist skills are also required within teams directly working with consumers in the management of feedback and complaints. These should include:

- capacity to communicate in languages other than English
- ability to understand cultural elements of communicating complaints
- capability to empathise with and understand a range of cultural behaviours
- ability to interact with a consumer who is assisted by an interpreter.

One of the most direct and effective ways of meeting the needs of CALD communities is to recruit bilingual and bicultural workers to support consumers from diverse backgrounds.

Organisations like FECCA can offer advice on the recruitment, management and support of bicultural and bilingual workers.

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<sup>18</sup> Pramusinto, "Building Complaint Handling Mechanisms"

Where bilingual workers are not available, an agency should use the Translating and Interpreting Service (TIS National) who can provide qualified interpreters to assist in the communication process.

The integrity and effectiveness of a complaint mechanism is linked with the agency's ability to communicate with consumers who require assistance from TIS National interpreters. Department and agency staff handling feedback and complaints from CALD consumers need guidelines and training on how to:

- identify consumers who need the support of an interpreter, bilingual worker or bicultural worker
- inform consumers on the availability of TIS National interpreters
- access TIS National interpreters
- communicate with clients who require assistance from a TIS National interpreters
- avoid linguistic proclivities that do not necessarily translate easily across languages
- demonstrate patience and understanding when receiving complaints from consumers using a LOTE.

### 3. Online channels

*Table 2 – Factors driving preferences for online channels: findings from FECCA's consultations and survey*

<ul style="list-style-type: none"><li>• "I can do it after hours."</li><li>• "I will get a reference number of the complaint."</li><li>• "It is easier, convenient and time efficient."</li><li>• "Not personal. Not intimidating"</li><li>• "English is not my first language. I cannot express my opinion exactly. Using a website, I can easily type something that I want with a dictionary."</li></ul>	<ul style="list-style-type: none"><li>• "It's convenient and there is a record."</li><li>• "Can do it in your own time and consider what to say."</li><li>• "No-one would know who I am."</li><li>• "It feels anonymous and is easy."</li><li>• "A record of the complaint can be made and reference to it if required in the event of a claim was not received."</li><li>• "Most convenient and feasible option."</li><li>• "It is anonymous and convenient."</li></ul>
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Despite presenting barriers for some individuals, other CALD consumers prefer to access feedback and complaints mechanisms through online channels.

In FECCA's consultations and survey, a significant number of CALD consumers preferred online channels as a means of providing feedback and complaints. For example, of the 97 individuals who responded to the FECCA survey, around 50 percent said they would prefer to lodge a complaint through an online channel.<sup>19</sup> Reasons for preferring online channels included:

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<sup>19</sup> Note, however, that the survey was conducted online and so there is a bias toward digitally literate consumers.

- ability to keep records of correspondence carried out online
- capacity to provide feedback in their own time including out of work hours
- perceived anonymity and protection from retaliation or negative responses
- time to craft the communication (for consumers whose written English proficiency was higher than their spoken English).

Online feedback and complaints channels for government services can be an appropriate channel for CALD consumers when designed with CALD consumers in mind. Online feedback and complaints mechanisms may be an effective method for organisations to interact with CALD consumers because:

- it can be easier and cost efficient to provide tools to lodge feedback or complaints in languages other than English (LOTE)
- information in a variety of languages can be made available online in cost effective ways
- consumers can access online methods at convenient times.

When designing digital complaints portals attention should be paid to:

- highlighting options for other languages at the top of the landing page and all other pages so users are not searching the entire website for the place to select their preferred language
- avoidance of text dense pages which 'overwhelm' users with low English language proficiency
- consistent use of images or symbols where appropriate to reduce written text
- allowing complaints to be made in LOTE
- simple structures for complaint processes
- ability to save drafts of feedback forms before submission
- provision of telephone support (in LOTE or with TIS support).

### **Good practice: The Fair Work Ombudsman**

Making a complaint to the Fair Work Ombudsman is a *third-party method* that provides an online channel to allow individuals to make complaints in cases where they feel they are being exploited by their employer.

The Fair Work Ombudsman released three online tools aimed at CALD consumers to make it easy for Australians and migrant workers to understand and protect their workplace rights.

They include tools that assist in recording hours and also to determine appropriate entitlements. These tools can be downloaded in a variety of languages.

The available tools include the Anonymous Report function which has enabled the Fair Work Ombudsman to confirm and identify trends in abuse of workers. Reports can be made in the language of the complainant's choice.

These services have had a strong uptake and the Fair Work Ombudsman has worked to ensure that information on these tools was distributed widely to CALD communities through community organisations, in a wide range of community languages, and in a variety of formats.

As FECCA's own research indicates many barriers still exist for CALD consumers to access digital government. Digital channels will not always be appropriate interfaces for communicating with CALD consumers.

These barriers should not be underestimated and remain a cause of inequity for many CALD Australians.

The 2015/16 FECCA report on Digital Access and Equity for Multicultural Communities provides information on how to improve online access and equity.

#### 4. Building trust with CALD consumers in the feedback and complaint process

*Table 3 – Factors affecting trust in making complaints and providing feedback: findings from FECCA's consultations and survey*

- "You don't bite the hand that feeds you."
- "Immigrants are scared to complain because they worry about cause trouble. They think if I cause trouble for the government maybe they will send me home."
- "No matter how respectfully or carefully a complaint is made there is always the possibility that the receiver gets offended and retaliates."
- "We cannot complain. When we go back to Africa, the police is the law. So we have the fear. For example when I worked in the café every Saturday a group of police went there for a meeting. When I went to serve them I was shaking I was so scared of them, I thought I was going to jail."
- "[I want to make a complaint] in any way that does not show my ID."

A major barrier to CALD Australians interacting with government feedback and complaints mechanisms is lack of trust and fear of negative repercussions. In FECCA's survey, around half of the respondents said they had considered whether there would be negative consequences before making a complaint. Over one third said that this fear had stopped them from acting.

Some migrants, particularly those who are not citizens, report they are fearful of making a complaint in case it has an adverse impact on their immigration status. These results reflect FECCA's broader understanding of the concerns held by many Australians of migrant and CALD background regarding interactions with government, officialdom and authority.

To build trust, CALD consumers must feel confident that their interactions will be confidential and protected. CALD consumers must also be reassured that there will be no negative consequences resulting from a complaint.

When designing feedback and complaints mechanisms Commonwealth departments and agencies should:

- consider whether it is necessary to have a mandatory 'about you' or 'personal details' section in a feedback form<sup>20</sup>
- offer channels that allow for anonymity when making complaints or offering feedback. (Anonymous data can assist in changing and improving systemic problems if trends

<sup>20</sup> Giannoni, "A comparison".

can be identified even if individuals do not receive personal redress. See the Fair Work Ombudsman example above).

Trust building must precede interactions within the complaints mechanisms. Some ways to build trust as part of the complaints process might include:

- ensuring that complainants have access to support networks (for example, the provision of telephone numbers/addresses of counselling services, advocacy bodies etc.)
- affirming the bravery required to make complaints or disclose unsatisfactory events
- providing the possibility for follow up of a complaint through other communication channels such as face to face or telephone
- reiterating confidentiality and assurances that complaints will not jeopardise other interactions or outcomes
- use of bilingual or bi-cultural workers supporting complainants in understanding processes and managing expectations of solutions, redress or recompense.

#### **Good practice: The importance of advocacy**

A lack of trust will continue to prevent some CALD Australians from lodging complaints directly with service providers. This means that the use of private channels by CALD Australians to complain about service failure, for example talking to peers or complaining to advocacy or community groups, will continue.

The role of advocacy bodies, like FECCA, state and territory ethnic and multicultural community councils, and small community organisations will remain crucial in collecting and relaying concerns to the government about service standards or service failure affecting CALD consumers.

## **5. Information delivery**

*Table 4 – Factors relating to information provision on feedback and complaints: findings from FECCA’s consultations and survey*

- “I think that’s something that they should put on their list [to advise migrants], they should have one day training for our rights because many people don’t know what our rights are.”
- “I didn’t understand how life is here. You can complain, you can make a complaint, it’s your right. Now I understand what is my rights. Not well, I still have problems understanding the law and what is my rights but I’m starting to understand things.”
- “[It is] very difficult to access the people we need. How to get to them? Every time they say ‘you can lodge a complaint’ but will never tell you how or who to go to’.”
- “It is hard to know the right person to contact.”
- “Most organisations have flyers/leaflets with inform about feedback and how to lodge complaints. These can usually be found in the reception areas.”
- “If I’d know the appropriate channels I would have complained.”

An individual's ability to exercise their right to make a complaint is dependent on the provision of high quality and accurate information and access to that information. CALD individuals need to know that (a) they have a right to complain and (b) how to make a complaint.

In addition, other information will be particularly relevant in supporting CALD consumers to access complaints mechanisms, such as:

- language and cultural services available to complainants
- assurances of protections for complainants
- clearly identifying whether or not the process is available to individuals who are not Australian citizens.

### **Information distribution channels for CALD communities**

FECCA emphasises the importance of providing information about complaints mechanisms through the same channels as the related government service including hard copy materials, online, ethnic radio and print media, and through community organisations.

#### **a. Hard copy materials**

In an environment which is increasingly moving information online, there are instances where hard copy materials are still relevant when trying to reach a specific cohort of consumers, for example, older CALD Australians and recent humanitarian arrivals.

Hard copy materials are more easily accessed and trusted by many in these communities. Individuals are also able to pass on these materials to family members and trusted advisors who may then use other communication channels to source additional information.

Departments should make the translated hard copy materials available to all community organisations and service providers who are interested in receiving them. The use of hard copy materials should be part of the Government's communication strategy with CALD communities.

#### **b. Online provision of information**

Departments and agencies should ensure that the translated materials are easily found on their website. Information available in community languages should be clearly identified online, with the availability of translated materials signalled using a consistent and prominently positioned icon across all government agencies' websites.

The online provision of information for this sector is also an important channel used by family members and trusted advisors to follow up in response to initial hardcopy information or information received through language broadcasting.

Alternatively, family and trusted advisors may assist consumers in locating relevant information on government services online.

Furthermore, local community organisations and service providers often print out translated materials from government websites to provide in hard copy to clients and their families. It is

therefore critical to have translated materials easily accessibly on relevant Australian Government agency and department websites.

### **c. Utilising community organisations and service providers**

Ethnic and multicultural community organisations are trusted sources of information for culturally and linguistically diverse Australians, and provide information about numerous issues in response to individual inquiries and through community forums. These organisations could act as a conduit for information on feedback and complaints processes.

FECCA recommends utilising community organisations, including FECCA's members, and service providers to provide access to information on feedback and complaints mechanisms. This would include:

- asking organisations to include information in their newsletters and other communications (for example, FECCA e-news)
- writing to various organisations and offering to provide materials in the language of the communities that they represent and service. This offer can also be advertised by the Department online.

These organisations have an existing relationship of trust with CALD consumers and are well placed to educate CALD consumers of their right to complain. They can also assist in reassuring CALD consumers that making complaints can be done without fear of negative repercussions.

#### **Good practice: Australian Human Rights Commission (AHRC)**

The AHRC publishes a booklet entitled 'It's Your Right' which guides CALD Australians through different scenarios which might give rise to a complaint, and how to make the complaint.

The English language used in the booklet is accessible for readers who may have low English language proficiency and the text is supported by carefully selected images which assist in communicating the message. There are assurances of emotional support (e.g. a complainant's right to have a support person attend meetings).

This resource is an excellent way of instructing individuals and communities on their rights and protections as part of the process of making complaints. As part of an inclusive feedback and complaints mechanism it may be useful for organisations to produce similar documents to support and guide CALD Australians on their rights regarding feedback and complaints on government services.

## Conclusion

As the cultural and linguistic diversity of the Australian society grows, so does the diversity of individual experience and need with regards to government services and supports.

Equal accessibility to government feedback and complaints mechanisms for CALD Australians is critical to ensuring that (1) all Australians receive redress in cases of service failure and (2) government departments and agencies receive the information required to improve services for CALD Australians.

This report has highlighted best practice for government departments and agencies in designing inclusive feedback and complaints mechanisms. Strong leadership and a whole-of-government perspective that encourages design and implementation of inclusive policies across all departments, agencies, and levels of government will enable the government to respond to the needs of its diverse constituency.

The outcomes of this report demonstrate the need for continued engagement on the design of government services with CALD communities and the organisations that represent them.

## Appendix 1: About this report

The Federation of Ethnic Communities' Councils of Australia (FECCA) is funded by the Commonwealth Department of Social Service (DSS) to promote access and equity in the provision of Commonwealth Government services. This report is a contribution to the ongoing dialogue and consultation between DSS, FECCA and the communities that FECCA represents to ensure the needs and aspirations of culturally and linguistically diverse (CALD) Australians are well served through policy and design of government services.

FECCA is the national peak body representing Australia's CALD communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

## Appendix 2: Background

Feedback and complaints mechanisms are an integral part of service delivery in both the public and private sector. Feedback and complaints help to improve and develop service provision, promote public control of the performance of services, protect and promote rights of citizens in service delivery, strengthen interaction between the government and its citizenry, enhance public satisfaction with public service delivery, and promote democratisation of policy and public service delivery.<sup>21</sup>

Feedback and complaints mechanisms provide transparency by allowing an individual to engage in dialogue with a service provider over particular issues and be provided with reasons and processes for specific decisions. Engaging citizens through methods such as feedback and complaints mechanisms – often referred to as social accountability – is a popular remedy for public sector performance weakness.<sup>22</sup>

FECCA has long been advocating for consultation with CALD Australians through the process of co-design where the views, needs and experiences of diverse Australians are included from the earliest stages of planning Government service provision. Even when consultations with CALD consumers have taken place in the design process, further improvement and development may be needed following implementation, and as a service expands and matures.<sup>23</sup> Feedback and complaint mechanisms, therefore, are especially important because they reflect gaps where the needs of CALD Australians are not being met.

Feedback and complaints mechanisms must be designed and maintained in a way that works for the public in its entirety – including the significant proportion of Australia's population from culturally and linguistically diverse (CALD) backgrounds. ABS census data indicates that<sup>24</sup>:

- More than a quarter of Australia's population were born overseas. Of the overseas-born population, nearly one in five (18%) had arrived since the start of 2012.
- Nearly half (49%) of all Australians were either born overseas or had at least one parent who was born overseas.
- There are over 300 separately identified languages spoken at home in Australia. More than one-fifth (21%) of Australians speak a language other than English at home. After English, Chinese (Mandarin and Cantonese) is the most commonly spoken language at home followed by Arabic.

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<sup>21</sup> A. Pramusinto, "Building Complaint Handling Mechanisms for Effective Leadership," *International Journal of Administrative Science and Organization* 20, no. 3 (Sept 2013): 144-152

<sup>22</sup> D.W. Brinkerhoff and A. Wetterberg, "Gauging the Effects of Social Accountability on Services, Governance, and Citizen Empowerment," *Public Administration Review* 76, no. 2 (2015): 274-286

<sup>23</sup> When undertaking a consultation process, government departments should ideally allocate reasonable periods of time to undertake the process. It is important to remember that some cultural groups and individuals may need more than one scheduled meeting in order to produce suitable information with an emphasis on accurate information gathering. The building of trust and rapport with individual consultants is deemed important.

<sup>24</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Cultural%20Diversity%20Article~20>

## Appendix 3: Methodology

To assist with a broader understanding of the impact of culture and language on feedback and complaints mechanisms FECCA has used a variety of methods and information sources to inform this report.

In addition to a review of academic literature on feedback and complaints mechanisms, FECCA has maintained a presence at roundtable discussions with government organisations and agencies including the Australian Human Rights Commission, the Commonwealth Ombudsman and the Australian Taxation Office. FECCA has been in contact with a number of key Federal bodies with regards to their operations and feedback and complaint mechanisms. These include:

- National Disability Insurance Agency
- Australian Electoral Commission
- Department of Human Services
- Commonwealth Ombudsman
- Department of Human Services
- Fair Work Ombudsman
- Aged Care Complaints Commissioner
- Financial Ombudsman Service
- Office of the Children's e-safety Commissioner
- Office of the Australian Information Commissioner
- Telecommunications Industry Ombudsman

We have continued to engage with FECCA's extensive networks within and beyond our membership through consultations, online surveys and interviews. In 2016, an online survey and questionnaire soliciting input on feedback and complaints mechanisms attracted 97 responses.

*Table 5 – Examples of questions asked in survey and consultations*

1. Are you aware that you have the right to make a complaint and / or provide feedback for the government services that you received?
2. When receiving services (such as healthcare, aged care services, employment services) do you know how to make a complaint or where to find information about providing feedback?
3. Have you ever provided feedback or made a complaint about a government service that you have accessed?
  - If yes, did you consider whether there would be any consequences (such as losing the service) for making the complaint or providing feedback?
  - If no, has concern that there would be consequences (such as losing the service) stopped you from making a complaint or providing feedback?
4. If you were to provide feedback or a complaint about a service that you access, how would you prefer to do so?
  - What is your preferred method of providing feedback or a complaint?
5. Can you provide an example of a good experience when making a complaint or providing feedback about a service?
6. Can you provide an example of when you did not make a complaint or provide feedback about a service failure?

For the purposes of collecting information to inform this report the following consultations have taken place:

- Ballarat Regional Multicultural Council consultation
- Ballarat Regional Multicultural Council youth consultation
- Sri Lankan Association of NSW Seniors consultation
- Goulburn Multicultural Council women's consultation

Consultations were also undertaken with FECCA's Youth Committee, New and Emerging Communities Committee, Rural and Regional Committee and Disability Committee.

In addition, ongoing consultations with FECCA's state and territory bodies and other stakeholders have been undertaken with specific reference to the Aged Care Complaints Commissioner, the Department of Human Services and Fair Work Ombudsman.

The consultations, interviews and surveys have engaged established, long-term residents and citizens as well as those from new and emerging communities and recent refugee arrivals. Heritage countries of the individuals involved in surveys and consultations spanned many continents including Africa, Northeast Asia, Europe, Southeast Asia, the Middle East and South Asia. We have worked closely with many organisations within the multicultural sector including service providers, consumer representatives and individuals. This work also draws on FECCA's broader evidence base including consultations and submissions on government services.

The in-depth nature of the discussions and consultations alongside understandings from the literature allow an informed interpretation of the survey and consultation data. Accordingly, we present this report as being broadly representative of a cross-section of CALD Australia. It does not reflect the experience of every CALD Australian and may fail to include all experiences. However, the broad conclusions of this report, if implemented, will provide a framework for improving access and equity with regards Commonwealth feedback and complaints mechanisms for a significant number of CALD Australians who are partially or wholly excluded from such mechanisms.

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