

Complaints management

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Author	Governance Coordinator
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Objective	5.2 We will have an effective and efficient organisation
Strategy	5.2.6 Provide customer service excellence

Table of contents

1.	Purpose	1
2.	Definitions	1
3.	Objectives.....	2
4.	Policy statement	2
5.	Public awareness of the Complaints Management Policy	3
6.	Procedures	3
7.	Special cases.....	4
8.	Alternative options for resolution	5
9.	Limits to Council response	5
10.	Review	6
11.	Alternative resolution procedures	6
12.	Confidentiality for complainants	6
13.	Reporting.....	6
14.	References.....	6
15.	Attachments.....	6

1. Purpose

To ensure quality customer service to the community and to ensure all complaints are handled fairly, promptly, respectfully and confidentially across the organisation to achieve a resolution.

2. Definitions

A **complaint** is an expression of dissatisfaction with Council's policies, procedures, charges, employees, agents or quality of service provided.

A request for a service or for information about a service is not a complaint. However, they may escalate into a complaint if action is not taken within designated timeframes or is undertaken in an unprofessional or substandard manner.

An objection to a Development Application (DA) or a submission made to Council in response to a call for public comment is not a complaint.

A concern for service levels that are the result of limits set by Council Policy, and not the result of organisational or mechanical breakdown, are not a complaint but rather a customer request.

A **competitive neutrality complaint** (as defined by the Department of Local Government's Guidelines on Competitive Neutrality) is:

- (a) a complaint that Council has not met its requirements under the Policy Statement on 'Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality'. This includes a concern that Council has not established an effective complaints handling mechanism in relation to such complaints, or
- (b) a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

- (a) a complaint regarding the level of service provided by a business activity,
- (b) a complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account,
- (c) a complaint regarding the trade practices laws and their application to councils.

A **vexatious complaint** is one with the intention to annoy or disrupt the processes of Council, without real basis. These may still require investigation before being dismissed.

A **day** means a calendar day.

The **designated officer** is the staff member who is responsible for the area of Council activity to which the complaint relates or the staff member to whom the complaint is referred for resolution by the General Manager, Director or Manager. But if a complaint relates to the conduct of a staff member, then that staff member shall not be the designated officer.

A **substantial response** is a response which advises:

- (a) the action that Council has or will take in relation to a complaint together with the timeframe within which that action will occur, or
- (b) the reasons why Council is unable to take action in relation to the complaint, or
- (c) that the complaint has been referred to an external body and the reasons for that referral.

3. Objectives

To maintain a clear and effective complaints handling system that will:

- help to fairly and promptly resolve any dissatisfaction with a Council officer, activity or service;
- effectively record complaints for investigation and action, and establish appropriate systems for analysis and response; and
- promote and use customer feedback to improve services and their delivery, and create a customer-focussed approach to service delivery.

4. Policy statement

This Policy recognises Council's commitment to quality service delivery to the community and to the prompt resolution of complaints that arise as part of the process of continuous service improvement.

Council recognises that customer feedback is welcome and that customers are entitled to have complaints heard and actioned fairly, respectfully, and with complete confidentiality.

In order to achieve the objectives of the Policy, Council will:

- Provide customers with information concerning Council's Complaints Management Policy;
- Inform customers of the options available and the avenues of review if they are not satisfied with the outcome or decision following investigations into their complaint;
- Ensure the lodging of a complaint is simple and reliable, and instil confidence in the customer that all complaints are handled promptly, fairly and confidentially.
- Ensure complaints are responded to quickly. If a speedy resolution is not possible, then a response indicating the process to be undertaken and an estimate of the time frame will be provided to the complainant.
- Ensure staff understand their obligations and the procedures to follow when a complaint is received.
- Provide a framework for reporting on complaints received to ensure the continual improvement of services, systems and staff skills.

As a result of information gathered from the complaints management system, it may be necessary to redesign products and services, review procedures and policies, reassess staff training priorities, or review or identify customer information needs such as newsletters, pamphlets or website content.

Council may choose from a number of options in order to resolve a complaint. Options may include, but are not limited to, an explanation of policies or procedures or why particular

action was or was not taken, an apology, change of decision, changes to the relevant Policy or procedure, financial compensation including an ex gratia payment, repair or replacement, technical assistance, or the waiver of debt.

Should a complaint remain unresolved at the completion of the investigation, or if the complainant is not satisfied with the resolution offered, the complainant is entitled to refer the matter to an external organisation for review. Organisations that offer this service include the Ombudsman, the Independent Commission Against Corruption and the Anti Discrimination Board.

5. Public awareness of the Complaints Management Policy

Public awareness of this Policy is a vital component of Council's commitment to customer service. Council will provide clear explanatory material on this Policy, including brochures, web notification and a complaints form available online.

Complainants are encouraged to submit complaints in writing, either using the form available from Council's customer service areas or from Council's website, or by letter or fax.

6. Procedures

6.1 Complaints may be lodged in any manner with Council. Verbal complaints may be lodged by phone (**telephone 02 6643 0200**), or over the counter during normal work hours. However, verbal complaints may require written follow up to provide further details which will permit investigation and resolution in accordance with this Policy. In particular, Council will require any complaint that questions the integrity or performance of any staff member or Councillor to be made in writing.

Written complaints should be sent to Council by normal mail (**Locked Bag 23, Grafton 2460**), by fax (**6642 7647**), by email (**council@clarence.nsw.gov.au**) or delivered over the counter during normal work hours.

6.2 If the complaint is received in writing, Council shall acknowledge receipt of the complaint and advise the complainant of the name of the intended Action Officer.

6.3 Where possible, telephone complaints will be resolved by the designated officer on the day on which they are received. However, if the complaint concerns the conduct of a staff member, the complaint should be requested to be made in writing after which, it shall be referred to the relevant Director or General Manager.

6.4 The designated officer will respond substantially to any complaint (other than a competitive neutrality complaint) within 21 days after it is received. If it is not possible to respond substantially to a complaint within that time, the designated officer shall forward an acknowledgement letter to the complainant within that time period advising that the complaint is being investigated and that a response will be forwarded within a further 28 days. If the investigation into the complaint is ongoing beyond this period, the complainant must be kept informed of the likely timeframe for resolution and be promptly advised following completion of the investigation.

- 6.5 If the complaint (other than competitive neutrality complaints) cannot be resolved by Council within the time periods noted in 6.4 above, then the relevant Manager shall advise the complainant of external avenues for review (as noted in clause 4 above).

7. Special cases

- 7.1 If a complaint is received relating to:
- (a) a Councillor, it is to be referred as soon as possible to the General Manager,
 - (b) the General Manager, it is to be referred to the Mayor and handled in accordance with the General Manager's contractual arrangements with Council and the provisions of specific legislation as described above, if applicable, and
 - (c) a member of staff (other than the General Manager), it is to be:
 - (i) referred to the relevant Director or Executive Manager (or if it relates to a Director or Executive Manager, to the General Manager), unless the complaint alleges a breach of the Code of Conduct by that member of staff, in which event it is to be referred directly to the General Manager,
 - ii) handled in accordance with Council Policy and Human Resource agreements.

No complaint about the conduct or performance of a member of staff shall be either investigated or responded to by that member of staff.

- 7.2 Notwithstanding clause 7.1, if a complaint alleges:
- (a) breaches of pecuniary interest under the Local Government Act, the complaint, is to be referred to the General Manager (unless the complaint relates to the General Manager, in which event it will be referred to the Mayor) who will investigate and, if necessary, refer the complaint to the Department of Local Government, with the complainant identified and, where appropriate, the complaint verified by statutory declaration,
 - (b) criminal actions, then the matter is to be referred immediately to the General Manager (unless the complaint relates to the General Manager, in which event it will be referred to the Mayor), who will refer the matter to the Police where it is appropriate to do so (this may require formal legal advice from Council's solicitors before proceeding), or
 - (c) corruption, it is to be referred immediately to the General Manager for investigation and, where appropriate¹, for action under the Independent Commission Against Corruption (ICAC).

¹ ICAC Act defines corrupt conduct as dishonest or partial exercise of an official function by a public official. It must involve:

- (a) a criminal offence under NSW law or any other law which could apply in the particular circumstances, or
- (b) a disciplinary offence which could lead to disciplinary action under any law including regulations, or
- (c) reasonable grounds to dismiss or terminate the services of a public official.

The Act requires Council's General Manager to report suspected cases of corrupt conduct to ICAC.

NOTE: If the General Manager or Mayor are unavailable and/or the complaint involves both the General Manager and Mayor, then the complaint should be made to Council's Public Officer who will become the designated officer.

7.3 **Anonymous complaints**

Council will only investigate anonymous complaints if:

- (a) the General Manager or his/her delegate considers that a particular complaint warrants investigation, and
- (b) convincing reasons are given by the complainant for the complainant to remain anonymous.

An anonymous complaint may still be investigated if it is considered to have some substance, is of reasonable seriousness, and if sufficient information is provided to undertake an investigation.

7.4 **Protected disclosures**

Where a complaint is a protected disclosure in accordance with the Protected Disclosures Act, then the complaint shall be dealt with in accordance with Council's Internal Reporting Policy and the complainant shall be entitled to the protections offered by that Act.

7.5 **Complaints about privacy breaches**

Where a person seeks an internal review by Council of:

- (a) a breach of an information protection principle applying to the Council,
- (b) a breach of the Privacy Code of Practice for Local Government, or
- (c) disclosure of personal information held on a public register in a manner inconsistent with that permitted under the Privacy Code of Practice for Local Government.

Council shall conduct the review in accordance with its Privacy Management Plan.

8. Alternative options for resolution

Where Council is clearly not responsible for handling the complaint and another identifiable agency is, or the appropriate alternative is through the Courts, then the designated officer shall so advise the complainant, verbally if the complaint is verbal or otherwise in writing as soon as practicable, which if at all possible shall be within 14 days after the receipt of the complaint.

9. Limits to Council response

9.1 Notwithstanding anything contained in this Policy, the General Manager may limit contact or terminate telephone calls with a member of the public who is abusive, threatening, harassing, persistently intimidating or defamatory of staff or who persistently continues to pursue complaints that Council has fully dealt with (unless new substantive issues are raised).

9.2 Once a complaint has been established as being a vexatious complaint, the complainant will be advised of this and of the reasons and the complaint will not be further investigated or responded to.

10. Review

If a complainant remains dissatisfied after receiving a response from a designated officer, then the complainant may apply to have the complaint investigated by either the responsible Manager or, if the responsible Manager is the designated officer, by the relevant Director.

11. Alternative resolution procedures

At any time while a complaint is under consideration, the General Manager may elect, if considered appropriate and with the consent of the complainant, to refer it to conciliation or mediation by Council officers or externally by a neutral third party.

12. Confidentiality for complainants

Council shall not release any personal details of complainants unless:

- (a) the identity of the complainant has already been disclosed in a publicly available document, or
- (b) the complaint is clearly malicious or not made in good faith, or is, in Council's opinion, vexatious or frivolous, or
- (c) the complaint is an objection to a building or development application and the complainant has not requested that his/her identity remain confidential, or
- (d) Council is required by law (eg via subpoena) to release the information available, or
- (e) the complaint is referred to an external agency, in which event Council will provide the external agency with details of the complainant's identity, or
- (f) the complainant agrees to Council releasing their personal information.

13. Reporting

Council will report on its Complaints Management in its Annual Report.

14. References

AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations

15. Attachments

Complaints Management Flowchart

COMPLAINTS MANAGEMENT FLOWCHART

