

Policy

Complaint Management

Responsible Manager (Title)	Director Corporate and Community		
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Community Plan Linkage	Leadership: We will have an effective and efficient organisation		

1 Introduction

1.1 Purpose

This Policy is based on the Complaint Handling Model Policy from the NSW Ombudsman’s Office. This policy is intended to ensure that Council handles complaints fairly, efficiently, and effectively.

Council’s complaint management system is intended to:

- enable Council to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in Council’s administrative process, and
- provide information that Council can use to deliver quality improvements in services, staff and complaint handling.

This policy provides guidance to staff and customers of Council who wish to make a complaint on the key principles and concepts of Council’s complaint management system.

1.2 Scope and responsibilities

This policy applies to all staff receiving or managing complaints from the public made to or about Council regarding its services, staff and complaint handling.

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

1.3 Organisational commitment

The Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	<p>Report publicly on Council's complaint handling.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for service and complaint handling improvements</p>
Director Corporate & Community	Establish and manage our complaint management system.	<p>Provide regular reports to the General Manager and the Executive Team on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the Executive Team and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with the Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
Directors	Provide guidance and support with Council complaints management system	<p>Responsibility for considering details of escalated complaint investigations and decide upon appropriate action</p> <p>Implement changes to services, systems, practices, procedures and/or products if weaknesses are identified through the management and analysis of complaints</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.</p>

<p>Manager Organisational Development</p>	<p>Assist with the management of Council's complaint management system.</p>	<p>Establishing a process of performance monitoring, evaluation and reporting</p> <p>Provide regular reports to the Executive on issues arising from complaint handling work.</p> <p>Ensure recommendations arising from complaint data analysis are canvassed and implemented where appropriate.</p> <p>Encourage staff managing complaints to provide suggestions for improving the organisation's complaint management system.</p> <p>Recognise and reward good complaint handling by staff.</p>
<p>Managers & Supervisors</p>	<p>Manage Complaints within Council complaint management procedure</p>	<p>Educate employees about this policy</p> <p>Ensure complaints are responded to in a courteous, fair, confidential and timely manner and that the complainant is advised of progress and outcomes.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage all staff to be alert to complaints and assist those responsible to resolve them promptly.</p>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people in making a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Actively recognise the importance of being appropriately trained in complaint management and the implementation of complaint management procedures relevant to their role, including specific training in the following:</p> <ul style="list-style-type: none"> • Receiving and managing complaints from people experiencing vulnerability who may need assistance • Cultural awareness training <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on improving the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>

All staff	Understand and comply with Council's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Council's complaints process.</p> <p>Be alert to complaints and resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>
Councillors	Refer complaints to GM or DCC	Accept complaints and provide feedback from community members, referring them to the General Manager or, where applicable, the Director Corporate & Community.

1.4 Policy statement

This policy recognises Council's commitment to quality service delivery to the community and to promptly resolving complaints that arise as part 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.

2 Terms and definitions

Complaint

A complaint is an expression of dissatisfaction made to or about Council, its services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Complaints covered by this Policy can be distinguished from:

- public interest disclosures made by Council staff (see Council's Internal Reporting and Public Interest Disclosure (PID) Policy)
- code of conduct complaints (see Council's Code of Conduct Policy)
- responses to requests for feedback about the standard of Council service provision (see the definition of 'feedback' below)
- reports of problems or wrongdoing merely intended to bring an issue to Council's notice with no expectation of a response (see definition of 'feedback' below)
- service requests (see definition of 'service request' below), and
- requests for information (see Council request for information web page).

Complainant

Person or organisation making a complaint

Complaint management system

All policies, procedures, practices, staff, hardware and software used by Council to manage complaints.

Feedback

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

Service request

Council defines the following types of service requests:

- requests for approval
- requests for action
- routine inquiries about the organisation's business
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by the organisation
- requests for an 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 Council should fulfill its vision, mission and goals.

Procedure

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

Public interest disclosure (PID)

A report about wrongdoing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994* and is reported as per Council's Internal Reporting and Public Interest Disclosure (PID) Policy (noting the updated Public Interest Disclosure Act 2022 will commence either on 13 October 2023, being 18 months after the date of assent, or an earlier day or days to be appointed by proclamation, and will repeal the Public Interest Disclosures Act 1994)

3 Guiding Principles



3.1 Facilitate complaints

People focus

Council is committed to seeking and receiving feedback and complaints about its services, systems, practices, procedures, products and complaint handling.

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 Council's complaint handling process
- 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 reasons for Council decision/s and any options for redress or review.

No detriment to people making complaints

Council will take all reasonable steps to ensure that people making complaints are not adversely affected because they themselves have made a complaint, or when a complaint is made on their behalf.

Anonymous complaints

Council will only investigate anonymous complaints if:

- The General Manager or their delegate considers that a particular complaint warrants investigation, and:
- The complainant gives convincing reasons for the complainant to remain anonymous.

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

Accessibility

Council will ensure that information about how and where complaints may be made or about its services is well publicised. Council will ensure that its 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, Council 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., as an advocate, family member, legal or community representative, member of Parliament, or another organisation).

No charge

Complaining to Council is free.

3.2 Responding to complaints

Early resolution

Where possible, complaints will be resolved at first contact.

Responsiveness

Council will promptly acknowledge receipt of complaints. Council aims to formally acknowledge complaints within ten (10) working days and to respond substantively within 21 working days.

Council 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 immediately escalated appropriately.

Council is committed to managing people's expectations and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

Customers will be advised as soon as possible when Council cannot deal with any part of their complaint and advise where such issues and/or complaints may be directed (if known and appropriate).

Council will also advise people as soon as possible when it cannot meet time frames for responding to their complaint and the reason for the delay.

Objectivity and fairness

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

Council will ensure that the person handling a complaint differs from any staff member whose conduct or service is being complained about.

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

Responding flexibly

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

Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

Confidentiality

Council will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.3 Managing the parties to a complaint

Where a complaint relates to another agency

Where it is assessed that Council is not responsible for handling one or more issues raised by a complainant and another identifiable agency is responsible, Council shall advise the complainant that this is the case and what the responsible agency is. This advice shall be provided as soon as practicable and, if possible, shall be within 10 days of receiving the complaint.

A complainant will be similarly advised if the appropriate action is through legal representation and/or the courts. The advice offered by Council in this section will be offered either verbally or in writing, consistent with how the complaint has been made.

Complaints involving multiple agencies

Where a complaint involves multiple organisations, Council will work with the other organisation/s where possible to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within Council, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where Council services are contracted out, Council expects contracted service providers to have an accessible and comprehensive complaint management system. Council takes complaints not only about the actions of Council staff but also the actions of Council's service providers.

Complaints involving multiple parties

When similar complaints are made by related parties Council will try to arrange to communicate with a single representative of the group.

Empowerment of staff

All staff managing complaints are empowered to implement Council's complaint management system relevant to their roles and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of Council's complaint management system.

Managing unreasonable conduct by people making complaints

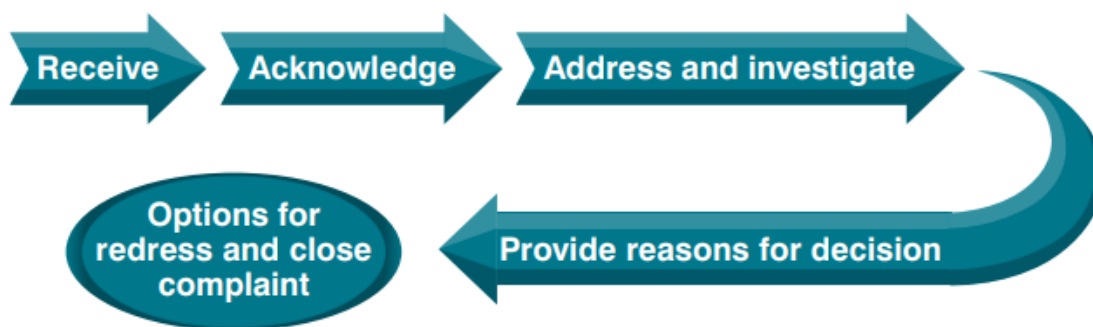
Council is committed to being accessible and responsive to all who approach it with feedback or complaints. At the same time Council's success depends on:

- the ability to do work and perform functions most effectively and efficiently possible
- the health, safety and security of Council staff, and
- the ability to allocate resources fairly across all the complaints received.

When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of Council's work. As a result, Council will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support staff to do the same in accordance with this policy.

For further information on managing unreasonable conduct by people making complaints, please see Council's Managing Unreasonable Conduct by Complainants Policy.

4 Complaint management system



4.1 Introduction

When responding to complaints, all Council staff should act in accordance with Council's complaint handling policy, procedure and any other internal documents guiding the management of complaints. Staff should also consider relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in Council's complaint management system are below.

4.2 Receipt of complaints

Unless the complaint has been resolved at the outset, Council will record the complaint and its supporting information.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant and
- any additional support the person making a complaint requires.

4.3 Acknowledgement of complaints

Council will promptly acknowledge receipt of each complaint within 10 working days.

Consideration will be given to the most appropriate medium (e.g., email, letter) for communicating with the complainant.

4.4 Initial assessment and addressing of complaints

Initial assessment

After acknowledging receipt of the complaint, Council staff will confirm whether the issue/s raised in the complaint is/are within Council's control. Council will also consider the outcome/s sought by complainant and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, Council will 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 the resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

Addressing complaints

After assessing the complaint, Council will consider how to manage it. To manage a complaint, Council may:

- Give the complainant information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

Council will keep the complainant up to date on progress, particularly if there are any delays. Council will also communicate the outcome of the complaint using the most appropriate medium. The actions Council decides will be tailored to each case and consider any statutory requirements.

4.5 Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, Council will contact the complainant and advise them:

- the outcome of the complaint and any action Council took/is taking
- the reason/s for the decision
- the remedy or resolution/s that is proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of the investigation, Council makes any adverse findings about a particular individual, Council will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made under that Act before sharing findings with the person making the complaint.

4.6 Closing the complaint, record keeping, redress and review

Council will keep comprehensive records about:

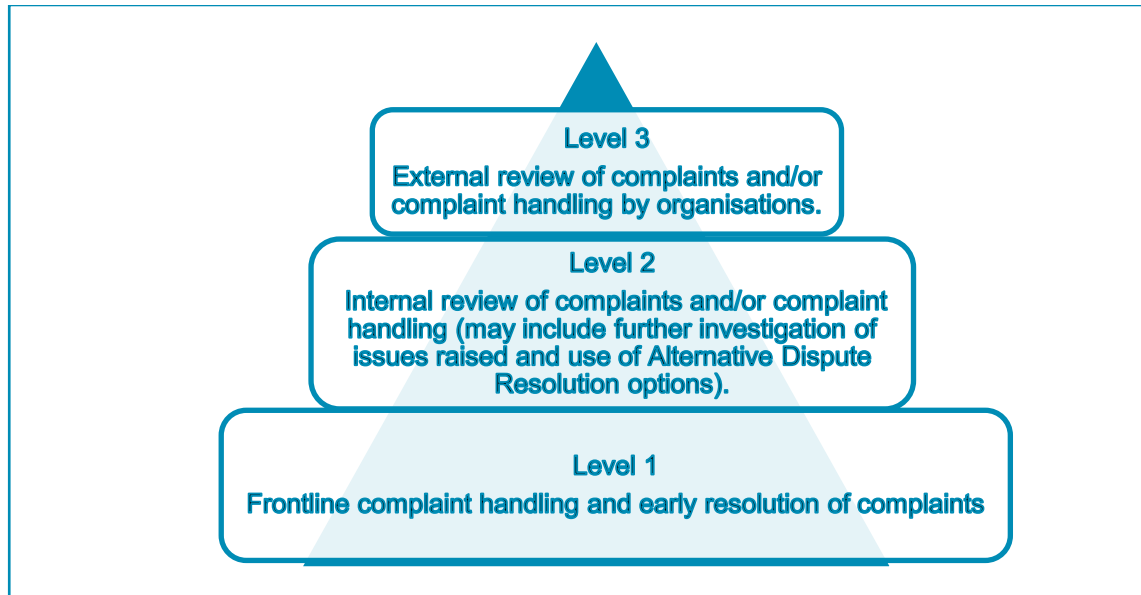
- How Council managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up.

Council will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

4.7 Alternative avenues for dealing with complaints

Council will inform complainants about any internal or external review options (including any relevant Ombudsman or oversight bodies).

4.8 The three levels of complaint handling



Council aims to resolve complaints at the first level, the frontline. Wherever possible, staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, Council staff may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a complainant is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of Council decision (by the Ombudsman, for example).

5 Accountability and learning

5.1 Analysis and evaluation of complaints

Council will ensure that complaints are recorded systematically to easily retrieve information for reporting and analysis.

Regular reports will be run on:

- the number of complaints received

- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests Council receive for internal and/or external review of complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service and make improvements.

Both reports and analysis will be provided to Council's General Manager and senior management for review.

5.2 Monitoring of the complaint management system

Council will continually monitor its 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 audits, complaint satisfaction surveys, online listening tools, and alerts.

5.3 Continuous improvement

Council is committed to improving the effectiveness and efficiency of its complaint management system. To this end, Council 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 from analysis of complaints data and continual system monitoring.

6 Related Documents

This policy is compliant with and supported by the following documents:

Clarence Valley Council Code of Conduct

Clarence Valley Council Competitive Neutrality Policy

Clarence Valley Council Customer Service Policy

Clarence Valley Council Employee Assistance Program

Clarence Valley Council Privacy Management Plan

Clarence Valley Council Unreasonable Complainant Policy

Clarence Valley Council Work Health and Safety Policy

NSW Ombudsman Complaint Handling Process for Agencies

NSW Ombudsman Effective Complaint Handling Guidelines (2017)