

POLICY

CUSTOMER SERVICE – Complaints Handling

Date adopted by Council	14 December 2020
Minute number	H.12.4
Endorsed by	Council
CM Ref	CD-212/20
Due for review	September 2023
Related documents	INT-6239/17
Responsible officer	Director Environment & Community Services
Department/Section	Customer Service
Category	Community
Community Strategic Plan goal	Goal 8 Provide Community leadership
	CS30 Effectively and efficiently manage the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, Community engagement, action and response.



Policy Statement

To provide a complaints handling system that details the requirements of Council staff and what Council's customers can expect in regard to Council resolving their complaints

Objective

To establish a complaints handling system to ensure that complaints are responded to appropriately and in a respectful and timely manner with the aim of resolving customer concerns and improving service delivery.

Scope

This policy applies to all Council staff, Councillors and contractors working on behalf of Council.

Definitions

Complaint	<p>A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.</p> <p>Council does not regard the following as complaints:</p> <ul style="list-style-type: none"> • a request for service such as collection of garbage, repairing a pothole or grading a road. These should be lodged as a request for service. If Council fails to provide the appropriate service or a timely response, that is reason for a complaint; • a request for information or an explanation; • a development application decision (except where the complaint relates specifically to the manner in which the decision has been administered); • a dispute over a Council charge or land valuation; or • a request to have an infringement waived.
Contract Administrator	The Contract Administrator is any member of Council's staff who is responsible for letting and overseeing the completion of contracts on behalf of Council. Contracts may be for the provision of goods and/or services to Council.
Formal Complaint	Formal complaints are those that are of a serious nature such as those described in Clause 4.9 Complaints Involving Allegations of Maladministration or Corrupt Conduct.
Malicious Complaints	A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).



Public Officer	The Public Officer is a member of Council's senior staff, appointed under the Local Government Act 1993. The functions of the Public Officer include provision of assistance to the public in accessing Council documents, representation of Council in legal and other matters, receipt of submissions made to Council and to assist with requests from the public regarding Council's affairs
Vexatious Complaints	Complaints that are not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

Policy Details

1. Background

Council's Vision and Mission Statements, Code of Conduct for Councillors and Staff and Council's Statement of Business Ethics establish the principles against which Council's standards of quality service may be measured. Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness will underpin service delivery. When they believe that their expectations have not been met, the customer has a right to expect that Council will deal with their concerns in a professional, respectful and timely manner.

2. Lodging Complaints

Complaints may be lodged with Council in the following ways:

- by telephone;
- in person;
- in writing including by facsimile, email or other electronic means

3. Anonymous Complaints

Anonymous complaints will be dealt with in a similar manner to complaints where the complainant is known to Council except where there is a statutory requirement for identification of the complainant.

4. Recording of Complaints

All complaints received by Council will be recorded in Council's electronic document management system. Complaints are to be linked to the complaints workflow in Council's document management system when the complaint remains unresolved and further action is required or to the "complaints" or "formal complaints" subject for recording and analysis purposes when the complaint has been resolved.



For the purpose of recording formal complaints, i.e. those that are of a serious nature such as those described in Clause 4.9 Complaints Involving Allegations of Maladministration or Corrupt Conduct must be linked to the “formal complaint” subject in Council’s document management system. These will be forwarded to the Public Officer for action.

Staff must distinguish between a complaint and a request for service. Where a customer is requesting a service and there is no prior indication of failure to provide that service to the customer, the request will be recorded in the ‘action request system’ as a standard request.

5. Complaint Handling

Staff will, within the scope of their delegation of authority, endeavour to resolve issues the subject of complaints at the first point of contact and record their actions and the resolution of issues in Council’s document management system as per Clause 4.3.

Where complaints cannot be resolved at the first point of contact or where they are received in writing, they will be tasked to the appropriate Manager or supervisor to investigate.

Should the processes undertaken by the Manager or Supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, the Manager or Supervisor will refer the complaint to the relevant Director and then to the Public Officer for further review if appropriate.

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, Council will refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman’s Office, the Independent Commission Against Corruption or the Office of Local Government.

Contractors conducting works on behalf of Council are required to report to the relevant Contract Administrator any complaints received by them regarding any aspects of Council’s operations or their work. On request from the complainant, the contractor shall refer the complainant to the Contract Administrator to address issues pertaining to the complaint.

Where a complaint is received and reported by a Council contractor, the Contract Administrator will investigate the complaint in the first instance. Should the processes undertaken by the Contract Administrator fail to resolve the complaint, the complaint will be referred to the relevant Director and then the Public Officer for further review if appropriate.

6. Communication with Complainant

Within five working days of receipt of a complaint, in circumstances where a complainant has provided his/her name, address and contact details, the staff member responsible for handling the complaint will provide acknowledgement of receipt of the complaint to the complainant. Such acknowledgement may be by telephone or in writing, as appropriate, and details of this contact will be recorded against the complaint in Council’s document management system.



The staff member responsible for handling the complaint will ensure that the complainant is kept informed of progress regarding investigation and resolution of the complaint.

The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations. Where appropriate, an offer of redress will be made and the complainant will be advised of any measures taken to minimise chances of the issues(s) underlying the complaint occurring again.

7. Confidentiality

Council will ensure that confidentiality is maintained in regard to complaints received. Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position must ensure that all allegations contained therein are not discussed other than with the Public Officer and/or General Manager. Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimisation or retribution as a result of the complaint.

8. Alternative Dispute Resolution

Council may seek to use alternative dispute resolution methods to resolve the complaint in circumstances where the Public Officer deems such a course of action appropriate .

Mediation is a widely recognised technique of resolving disputes and may be considered where:

- the parties will have an ongoing relationship
- the dispute is long-standing or likely to escalate
- alternative redress (e.g. investigation or litigation) is likely to be costly in time and resources
- public interest is served by having the dispute resolved promptly, efficiently and economically

9. Options for Redress

There are a number of options for redress that Council can consider in order to respond to a complainant who has been detrimentally affected by the actions of the Council.

These options are covered in detail in the NSW Ombudsman's The Complaint Handlers Tool Kit – Options for Redress available from the Public Officer. These options include:

- communications
- rectification
- mitigation
- satisfaction; and
- compensation



10. Complaints Involving Allegations of Maladministration or Corrupt Conduct

All complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position, including complaints made verbally or anonymously, are to be referred immediately and directly to the Public Officer and/or General Manager.

Under section 11 of the ICAC Act 1988, the General Manager must report to the Independent Commission Against Corruption in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council.

11. Complaints in Relation to Councillor and General Manager Conduct

All complaints alleging misconduct in relation to a Councillor must be reported in writing to the General Manager. All complaints alleging misconduct by the General Manager must be reported in writing to the Mayor.

The provisions contained in Clause 14.8 (Complaint handling procedures – Councillor and General Manager Conduct) of the Code of Conduct for Councillors and Staff will be applied to any subsequent investigation and findings. The complainant will be notified in writing of the outcome.

12. Malicious, Frivolous and Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if following investigation a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint.

A decision to take no further action on the complaint will be made by the General Manager and the complainant will be informed in writing that no evidence was found to support the allegations.

Council may seek legal advice with respect to the implications of the suspected vexatious or malicious complaints. Where the complaints relate to a member(s) of staff, such legal advice will be made available to the affected staff member(s) on request.

The matter may also be referred to the Public Officer. The Public Officer will determine whether the complainant should be requested to apologise in writing to the employee or offer a full retraction.

Where the staff member or Councillor believes that the nature of the complaint has impugned their professional or personal reputation, they must seek their own legal advice with respect to any intended actions in seeking damages for defamation.

Where complaints against an individual staff member cause distress to the staff member, the staff member will be supported via Council's Employee Assistance Program.



13. Persistent Complainants

From time to time, Council will encounter complainants who are persistent and writing again and again to the point that Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to future complaints.

Under these circumstances details of the number and nature of the complaints will be provided to the relevant Director who will make a recommendation to the General Manager that further correspondence and/or telephone contact is to be restricted. The General Manager will consider all the facts and issues of the individual case prior to acting on any recommendation(s). If a decision is made to endorse the recommendation in consultation with the Mayor, the General Manager will write to the complainant explaining Council's intention not to acknowledge or respond to further correspondence on the matter(s) unless new information is provided that the Council considers warrants action. The complainant will be advised that future written material will be filed.

With respect to telephone calls, the complainant may be told that their calls will only be taken during restricted times and then only by a specific person or that no future phone calls will be accepted or interviews granted about the same matter.

14. Difficult Complainants

In cases where a complainant's behaviour is aggressive or threatening, e.g. the complainant:

- is consistently rude or abusive or makes threats to staff or third parties using Council services or on Council premises;
- causes damage to Council property or threatens physical harm to staff or third parties

details of the aggressive or threatening behaviour are to be provided to the appropriate Director who will make a recommendation to the General Manager that access to the Council is to be restricted. The General Manager will consider all the facts and issues of each case and may notify the complainant that they are not permitted to enter Council buildings for a period of time, that no phone calls will be accepted and that they may only correspond with Council in writing. The General Manager will notify the complainant in writing of the nature and duration of restrictions placed upon them.

All threats of violence will be reported to the NSW Police.

15. Reporting on Complaints

On a quarterly basis Directors will provide reports to the Senior Management Group on complaints received and subsequent follow-up and departmental action. Reports will provide the following information on each complaint:



- the issue at the centre of the complaint;
- the outcome of investigations in each instance;
- action taken to address complainants' issues;
- feedback from the complainant, where possible, as to satisfactory resolution of the complaint or otherwise;
- referral of the complaint to an external agency
- recommendations or actions taken to improve service.

On a six monthly basis the Public Officer will present a report to the Audit, Risk & Improvement Committee with details of complaints received and acted on by each Department for the preceding two quarters.

On an annual basis the Public Officer will prepare a statistical summary of complaints received for the statutory annual report.

16. Regular Review of Complaints Handling by Council

The Public Officer will conduct a review of Council's complaint handling processes on a two-yearly basis to ensure that such processes are responsive to complainants and are appropriate in addressing issues underlying complaints received by Council. This review, along with any findings and recommendations, will form the basis of a report to Council.

Responsibilities

Councillors

Councillors will review and adopt the policy.

General Manager

The General Manager is responsible for dealing with serious or difficult complaints which have been escalated to him/her as per the provisions of this policy.

All Directors/Managers

Managers and Directors are responsible for investigating complaints, determining outcomes and an appropriate method(s) of redress.

Public Officer

The Public Officer is responsible for dealing with serious or difficult complaints which have been escalated to him/her as per the provisions of this policy.

References and Related Legislation

- Customer Service - Administrative Principle – Telephone Calls, Written Correspondence, Face-to-Face Service
- Risk Management – Administrative Principle – Risk Assessment – Corruption Prevention – Corruption, Maladministration, Serious and Substantial Waste



- Delegations of Authority
- Statement of Business Ethics
- Privacy and Personal Information Protection Management Plan
- Code of Conduct for Councillors and Staff
- Complaints Management in Councils (DLG/NSW Ombudsman) Publication Practice Note No. 9
- The Complaint Handler's Toolkit – NSW Ombudsman

Version History

Version No.	Date	Reason for Review
1	November 2020	Policy Review Director Environment & Community Services