



DRAFT Policy

Complaint Handling

2021

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Further Document Information and Relationships

Related Legislation	<p>NSW Local Government Act 1993 Protected Disclosures Act 1994 Independent Commission Against Corruption Act 1989 NSW Privacy and Personal Information Protection Act 1998 Government Information (Public Access) Act 2009 http://www.legislation.nsw.gov.au/maintop/view/inforce/act+52+2009+cd+0+N NSW Anti Discrimination Act 1977 Local Government Department Practice Note No. 9 – “Complaints Management in Councils” Civil Liability Act 2002</p>
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Related Policies	Code of Conduct for Councillors Code of Conduct for Staff Policy #534640 Protected Disclosures Policy #602372 Internal Reporting Policy Corruption Prevention Policy #1137086 Managing Unreasonable Customer Conduct Policy
Related Standards, Procedures, Statements, documents	NSW Ombudsman Complaint Management Framework 2015 NSW Ombudsman Complaint Handling er's Toolkit for Community Service Organisations 20132004 NSW Ombudsman Applying the Commitments to Effective complaint handling = Guidance for Agencies 20182004 #682883 Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014 Privacy Management Plan Procedure Complaints Management Procedure #684938 E2021/7988

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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1. Introduction

This Policy is based on the Complaint Handling Model Policy which has been provided by the NSW Ombudsman as part of ~~their~~its Complaint Management Framework (June 2015).

1.1 Purpose

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

Our complaint management system is intended to:

- a) enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- b) boost public confidence in our administrative process, and
- c) provide information that can be used by us to deliver quality improvements in our products, services, staff and complaint handling.

This policy provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.

1.2 Scope

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

~~Staff grievances, e~~Code of conduct complaints, and public interest disclosures and internal staff grievances are dealt with through separate mechanisms such as Council's Code of Conduct, Internal Reporting Policy and Grievance Policy.

1.3 Organisational commitment

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	Report publicly on Council's complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly review reports about complaint trends and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling



Who	Commitment	How
		<p>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 product, service, staff and complaint handling improvements arising from the analysis of complaint data.</p>
Manager responsible for complaint handling	Establish and manage our complaint management system.	<p>Provide regular reports to the General Manager on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with General Manager and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve Council'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>
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 Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints 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>



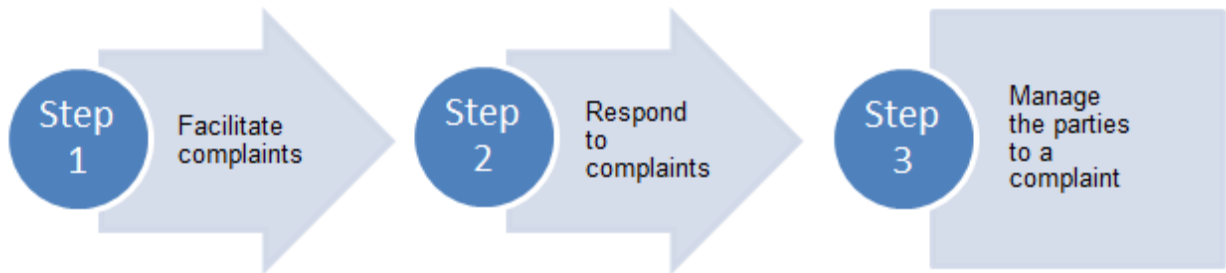
2. Terms and Definitions

Complaint	<p>Expression of dissatisfaction made to or about us, our products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.</p> <p>A complaint covered by this Policy can be distinguished from:</p> <ul style="list-style-type: none">• staff grievances (staff can refer to the Grievance (internal) Policy)• public interest disclosures made by our staff (see our Internal Reporting Policy)• code of conduct complaints (see our Code of Conduct)• responses to requests for feedback about the standard of our service provision (see the definition of 'feedback' below)• reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response (see definition of 'feedback')• service requests (see definition of 'service request' below), and• requests for information (see our Access to Information Guide – GIPA Act 2009)
Complaint management system	All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.
Dispute	An unresolved complaint escalated either within or outside of Council.
<u>Disclosures Coordinator</u>	A senior and suitably qualified member of staff appointed by the General Manager to act as the Disclosures Coordinator.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our products, services or complaint handling where a response is not explicitly or implicitly expected or legally required.
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 we should fulfil our vision, mission and goals.
Procedure	A statement or instruction that sets out how our policies will be implemented and by whom.



Public interest disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 1994</i> .
Service request	<p><u>A request for the provision of a Council service made by a member of the public. Such requests are not dealt with as complaints in accordance with this policy.</u> Service requests include:</p> <ul style="list-style-type: none"> • requests for approval • requests for action • routine inquiries about Council's business • requests for the provision of services and assistance • reports of failure to comply with laws regulated by Council • requests for explanation of policies, procedures and decisions of Council • <u>disputes concerning neighbours</u> • <u>reports of damaged or faulty infrastructure (eg potholes)</u> • <u>reports of hazards (eg fallen trees).</u> <p><u>Note: To assist staff in determining the difference between a request for service and a complaint, staff can refer to the Complaint Handling Procedure checklist at Appendix 1:</u></p>
<u>Standard of Proof</u>	<u>Complaints will be assessed and determined on the balance of probabilities i.e. that it is more likely than not that the matters which are the subject of the complaint occurred.</u>

3. Guiding principles



3.1 Facilitate complaints

People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.



A complaint can be lodged with Council either:

- In person
- In writing
- By completion of a customer complaint form
- By telephone
- By email
- By letter
- Passed on by a Councillor
- Anonymously

People making complaints (other than those complaints made anonymously) will be:

- a) provided with information about our complaint handling process
- b) provided with multiple and accessible ways to make or advance complaints
- c) listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- d) provided with reasons for our decision/s and any options for redress or review.

No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Anonymous complaints

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. Anonymous complaints may mean that Council has a limited ability to gain extra details if necessary and will have a limited ability to provide an outcome.

Accessibility

We will ensure that information about how and where complaints may be made ~~to or about us~~ is well publicised. We will ensure that our 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 resolution of their complaint, we 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. advocate, family member, legal or community representative, Member of Parliament, another organisation).

3.2 Respond to complaints

Early resolution

Where possible, complaints will be resolved at first contact with Council.

Responsiveness

We will promptly acknowledge receipt of complaints.



We 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 immediate and will be escalated appropriately.

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

- a) the complaints process
- b) the expected time frames for our actions
- c) the progress of the complaint and reasons for any delay
- d) their likely involvement in the process, and
- e) the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

Objectivity and fairness

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

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about and will not be the subordinate of that staff member.

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

Responding flexibly

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

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

Confidentiality

We 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 ~~the~~ us ~~Council~~ as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.



3.3 Manage the parties to a complaint

Complaints involving multiple agencies

Where a complaint involves multiple organisations, we 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 our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

Complaints involving multiple parties

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

Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

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

Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

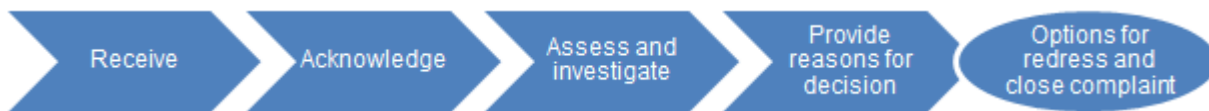
- a) our ability to do our work and perform our functions in the most effective and efficient way possible
- b) the health, safety and security of our staff, and
- c) our ability to allocate our resources fairly across all the complaints we receive.

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

For further information on managing unreasonable conduct by people making complaints please see [our policy on Managing Unreasonable Customer Conduct](#).



4. Complaint management system



4.1. Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.

4.2. Receipt of complaints

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

The record of the complaint will document:

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

4.3. Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly, and preferably within seven working days, in accordance with Council's Complaint Handling Procedures.

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

4.4. Initial assessment and addressing of complaints

Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint 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, we will consider:

- a) How serious, complicated or urgent the complaint is
- b) Whether the complaint raises concerns about people's health and safety
- c) How the person making the complaint is being affected
- d) The risks involved if resolution of the complaint is delayed, and
- e) Whether a resolution requires the involvement of other organisations.



Addressing complaints

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

- a) Give the person making a complaint information or an explanation
- b) Gather information from the product, person or area that the complaint is about, or
- c) Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

4.5. Providing reasons for decisions

Complaints will be considered and determined on the defined standard of proof.

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- a) the outcome of the complaint and any action we took
- b) the reason/s for our decision
- c) the remedy or resolution/s that we have proposed or put in place, and
- d) 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 investigation we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

4.6. Closing the complaint, record keeping, redress and review

We will keep comprehensive records about:

- a) How we managed the complaint
- b) 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
- c) Any outstanding actions that need to be followed up.

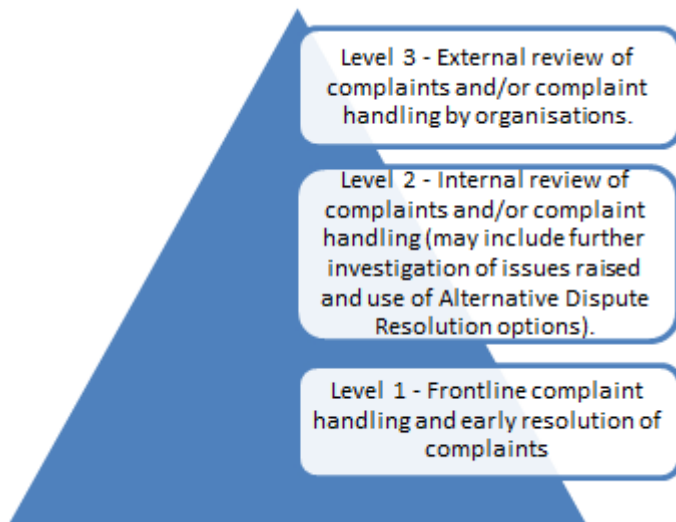
We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.



4.7. Alternative avenues for dealing with complaints

We will inform people who make complaints to or about us about any internal or external review options available to them (including any relevant Ombudsman, [the Office of Local Government](#), or oversight bodies).

4.8. The three levels of complaint handling



We aim 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, we 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 person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of our decision (by the Ombudsman for example).

5. Accountability and learning

5.1. Analysis and evaluation of complaints

[Statistical information regarding customer complaints and trends will be reviewed by the Executive Team quarterly and published in the Quarterly Review of the Development Program](#)



5.2. Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- a) ensure its effectiveness in responding to and resolving complaints, and
- b) identify and correct deficiencies in the operation of the system.
- c) Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

5.3. Continuous improvement

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- a) support the making and appropriate resolution of complaints
- b) implement best practices in complaint handling
- c) recognise and reward exemplary complaint handling by staff
- d) regularly review the complaints management system and complaint data, and
- e) implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.