



## **COMPLAINT HANDLING POLICY**

Adopted By Council 13 November 2019

(Resolution No 2019/282)

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## 1. INTRODUCTION

### 1.1 PURPOSE

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 can be used by Council to deliver quality improvements in Council's services, systems and complaint handling.

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

### 1.2 SCOPE

This policy applies to all staff receiving or managing complaints from the public made to Council or about Council, regarding Council's 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

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 culture that values complaints and their effective resolution	<ul style="list-style-type: none"><li>▪ Report publicly on Council's complaint handling</li><li>▪ Provide adequate support and direction to key staff responsible for handling complaints.</li><li>▪ Regularly review reports about complaint trends and issues arising from complaints.</li><li>▪ Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</li><li>▪ Encourage staff to make recommendations for system improvements.</li><li>▪ Recognise and reward good complaint handling by staff.</li><li>▪ Support recommendations for service, staff and complaint handling improvements arising from analysis of complaint data.</li></ul>

<p>Manager responsible for complaint handling</p>	<p>Establish and manage Council's complaint management system</p>	<ul style="list-style-type: none"> <li>▪ Provide regular reports to the General Manager on issues arising from complaint handling work.</li> <li>▪ Ensure recommendations arising out of complaint data analysis are canvassed with General Manager and implemented where appropriate.</li> <li>▪ Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</li> <li>▪ Encourage staff managing complaints to provide suggestions on ways to improve Council's complaint management system.</li> <li>▪ Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</li> <li>▪ Recognise and reward good complaint handling by staff.</li> </ul>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<ul style="list-style-type: none"> <li>▪ Treat all people with respect, including people who make complaints.</li> <li>▪ Assist people make a complaint, if needed.</li> <li>▪ Comply with this policy and its associated procedures.</li> <li>▪ Keep informed about best practice in complaint handling.</li> <li>▪ Provide feedback to management on issues arising from complaints.</li> <li>▪ Provide suggestions to management on ways to improve the organisation's complaints management system.</li> <li>▪ Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</li> </ul>
<p>All staff</p>	<p>Understand and comply with Council's complaint handling practices</p>	<ul style="list-style-type: none"> <li>▪ Treat all people with respect, including people who make complaints.</li> <li>▪ Be aware of Council's complaint handling policies and procedures.</li> <li>▪ Assist people who wish to make complaints access Council's complaints process.</li> <li>▪ Be alert to complaints and assist staff handling complaints resolve matters promptly.</li> <li>▪ Provide feedback to management on issues arising from complaints.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</li> </ul>
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## 2. TERMS AND DEFINITIONS

### Complaint

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.

A complaint covered by this Policy can be distinguished from:

- staff grievances (see Council's Grievance Resolution Policy)
- public interest disclosures made by Council's staff (see Council's Internal Reporting Policy)
- code of conduct complaints (see Council's Code of Conduct and Procedures Policy)
- responses to requests for feedback about the standard of Council's service provision (see definition of feedback below)
- reports of problems or wrongdoing merely intended to bring a problem to Council's notice with no expectation of a response (see definition of feedback)
- service requests (see definition of service request below), and
- requests for information (see Council's Access to Information Policy)

### Complaint Management System

All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

### Dispute

An unresolved complaint escalated either within or outside of Council.

### Feedback

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

### Service Request

The definition of a service request includes:

- 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

### Grievance

A clear, formal 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 fulfil its vision, mission and goals.

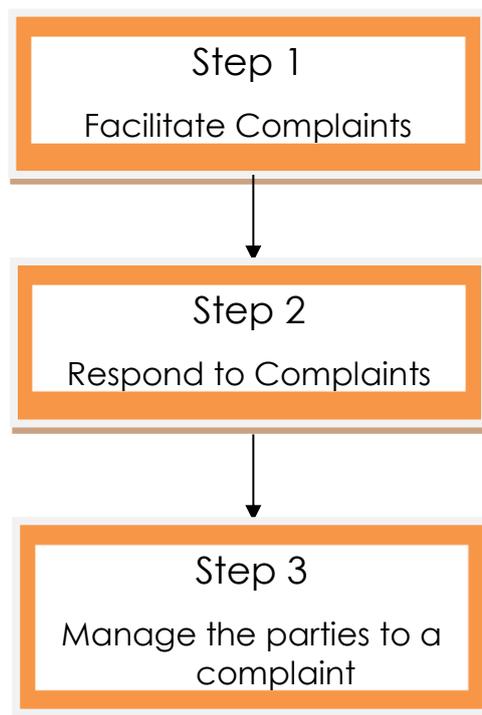
### Procedure

A statement or instruction that sets out how Council's 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 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.

Complaints will be acknowledged in 5 working days from receipt.

Complaints will be assessed in 10 working days from receipt.

Progress reports will be provided on a 10 working days basis in relation to matters not finalised within 10 working days of receipt.

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 with reasons for Council's 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 a complaint has been made by them or on their behalf.

### **Anonymous Complaints**

Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

### **Accessibility**

Council will ensure that information about how and where complaints may be made to or about Council 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 making and/or resolution of 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. advocate, family member, legal or community representative, member of Parliament, another organisation).

### **No Charge**

Complaining to Council is free.

## **3.2 Respond To Complaints**

### **Early Resolution**

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

### **Responsiveness**

Council will promptly acknowledge receipt of complaints.

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 immediate and will be 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 Council's 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

Council will advise people as soon as possible when 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).

Council will also advise people as soon as possible when Council is unable to meet its 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 the complaint will be different from any staff member whose service or conduct is being complained about.

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**

Council staff are empowered to resolve complaints promptly and with as little formality as possible. Council will adopt flexible approaches to service delivery and problem solving 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 Manage The Parties To A Complaint**

### **Complaints Involving Multiple Agencies**

Where a complaint involves multiple organisations, Council will work with 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 communication with the person making the complaint and/or their representative will also be coordinated. Where Council's services are contracted out, Council expects the contracted service provider to have an accessible and comprehensive complaint management system.

Council will take complaints not only about the actions of staff of Council but also the actions of 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 as relevant to their role 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**

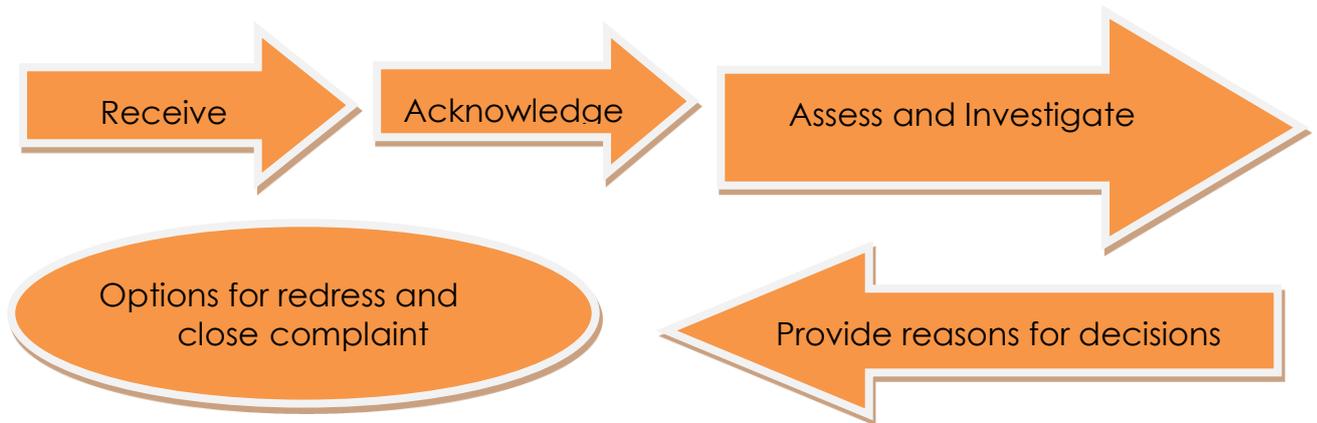
Council is committed to being accessible and responsive to all people who approach Council with feedback or complaints. At the same time Council's success depends on:

- its ability to do its work and perform its functions in the most effective and efficient way possible
- its health, safety and security of staff, and
- its ability to allocate its 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 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 or complainants, please see Council's policy on Managing Unreasonable Conduct By People Making Complaints).

## 4. COMPLAINT MANAGEMENT SYSTEM



### 4.1 Introduction

When responding to complaints, staff should act in accordance with Council's complaints 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 Council's complaint management system are set out 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
- the method the complaint was received
- issues raised by the person making a complaint and the outcome's they want
- any other relevant information, and
- any additional support the person making a complaint requires

### 4.3 Acknowledgement of Complaints

Council will acknowledge receipt of each complaint promptly, and preferably within 5 working days.

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

### 4.4 Initial Assessment And Addressing Of Complaints

#### Initial Assessment

After acknowledging receipt of the complaint, Council 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 the person making the 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, 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 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 the complaint Council may:

- give the person information or an explanation
- gather information from the person or area that the complaint is about, or
- investigate the claims made in the complaint

Council will keep the person making the complaint up to date on Council's progress if there are any delays. Council will also communicate the outcome of the complaint using the most appropriate medium. Which actions Council decides to take will be tailored to each case and take into account 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 person making the complaint and advise them:

- the outcome of the complaint and any action Council took
- the reason/s for Council's decision
- the remedy or resolutions/s that Council has 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 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 pursuant to that Act, before sharing Council's findings with the person making the complaint.

### **4.6 Closing the complaint, recordkeeping, redress and review**

Council will keep comprehensive records about:

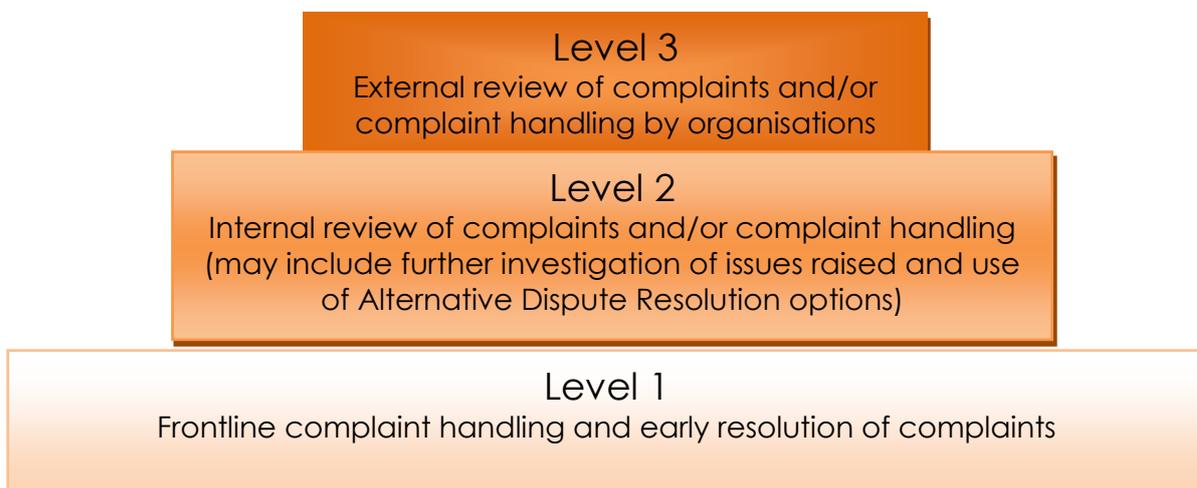
- how Council managed the complaint
- the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- any outstanding actions that need to be followed up.

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 people who make complaints to or about Council about any internal or external review options available to them (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 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 Council's decision (by the Ombudsman or Office of Local Government for example).

## 5. ACCOUNTABILITY AND LEARNING

### 5.1 Analysis and evaluation of complaints

Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting 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
- systematic issues identified, and
- the number of requests Council receives for internal and/or external review of our complaint handling

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

Both reports and their analysis will be provided to the 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 the use of audits and complaint satisfaction surveys.

## **5.3 Continuous Improvement**

Council is committed to improving the effectiveness and efficiency of its complaints 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 complaints data, and
- implement appropriate system changes arising out of the analysis of complaints data and continual monitoring of the system.

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