

COUNCIL
POLICY

COMPLAINT HANDLING POLICY

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Table of Contents

1 Introduction.....	4
2 Rationale	4
Why have a policy?	4
3 Objective.....	4
4 Council's Commitment to Responding to a Complaint	4
4.1 Our commitment to resolving complaints.....	4
4.2 Our commitment to customer service	4
4.3 What we ask of our customers	5
5 Scope	5
6 Definitions.....	5
6.1 Complaint.....	5
6.2 Compliment.....	5
6.3 Competitive Neutrality	5
6.4 Complainant.....	5
6.5 Corruption	5
6.6 Council.....	5
6.7 Grievance.....	5
6.8 Maladministration	5
6.9 Officer	5
6.10 Protected Disclosure	5
6.11 Quality.....	5
6.12 Reportable allegation	5
6.13 Request.....	6
6.14 Reportable conduct.....	6
6.15 Systemic Problem	6
6.16 Dataworks	6
7 Definition of a Complaint.....	6
7.1 What is a complaint?.....	6

7.2 Complaints with statutory reporting requirements.....	6
7.2.1 Protected disclosures.....	6
7.2.2 Complaints concerning Councillors	6
7.2.3 Allegations under the Child Protection legislation.....	6
7.2.4 Competitive Neutrality Complaints.....	7
7.2.5 Allegations of breaches of the Trade Practices Act	7
7.2.6 Privacy complaints	7
7.3 Grievance complaints.....	7
8 What is not a complaint.....	7
9 Complaint Handling Process.....	8
9.1 Tier 1 - Frontline Complaints Handling	9
9.2 Tier 2 - Internal Review	9
9.3 Tier 3 - External Review.....	9
9.4 Lodging a complaint	10
10 Responsibilities.....	10
10.1 All Staff.....	10
10.2 Manager Customer Services	10
10.3 Public Officer.....	10
10.4 Directors and Managers	11
10.5 General Manager.....	11
10.6 Human Resources Manager.....	11
11 Complaints not to be investigated	11
11.1 Anonymous complaints	11
11.2 Persistent complaints	11
12 Confidentiality	12
13 Service Standards	12
13.1 Reporting on Complaints.....	12
14 Learning from Complaints.....	13
15 Related Policies.....	13

1 Introduction

The City of Canada Bay Council recognises the right of a customer to complain when feeling dissatisfied with the service of the Council and undertakes, wherever possible, to resolve these complaints and to prevent similar complaints from occurring.

2 Rationale

Why have a policy?

Canada Bay Council aims to provide the best possible services to its customers. Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing customer satisfaction.

Complaints generally occur when the expectations of the customer have not been met. This policy has been formulated to ensure all complaints and requests are dealt with in a timely and effective manner and to ensure that information that can assist the organisation to improve is captured in a form that enables easy and useful analysis.

Effective complaints management benefits the organisation in some important ways:

- Allows our customers to provide input into service delivery and improvement;
- Provides valuable feedback on our performance;
- Allows us to identify areas, processes or skills that need improvement;
- Gives us a second chance to serve, satisfy, or clarify issues for dissatisfied customers.

3 Objective

The objectives of this policy are to:

- Ensure all complaints are handled fairly, transparently, promptly, respectfully and confidentially across the organisation to achieve a resolution;
- Strengthen support and Council's accountability to the community;
- Identify areas that need improvement and obtain valuable feedback on Council's performance;
- Respond effectively to individual cases of dissatisfaction, and reduce dissatisfaction and complaints in the future;
- Effectively record complaints for investigation and action, and ensure appropriate systems for analysis and response;
- To ensure that all Council's legislative obligations are carried out as per the relevant legislation;
- Promote active citizenship that provides clearly communicated mechanisms for our community to raise concerns in procedural fairness in the delivery of complaints/concerns.

4 Council's Commitment to Responding to a Complaint

We recognise the value of complaints as an important tool in monitoring and responding to customer and community expectations, and we will deal with them in the following way:

4.1 Our commitment to resolving complaints

- We will take complaints seriously and investigate them thoroughly with the aim of achieving a mutually agreeable resolution within an agreed timeframe;
- We will provide adequate training, resources and authority to deal with complaints.

4.2 Our commitment to customer service

- The person dealing with the complaint will provide their name, contact details and complaint reference number for any future follow up;
- We will be fair, courteous, respectful and professional in our response;
- We will provide accurate information and advice about a customer's obligations and entitlements;
- We will respect the privacy and confidentiality of information received as much as we can. We cannot, however, guarantee confidentiality because we may have statutory obligations or other information disclosure requirements.

4.3 What we ask of our customers

A customer normally needs to provide:

- Full details of their name, address and telephone number before a complaint can be registered;
- Sufficient details to assist in resolving the complaint.

5 Scope

This policy applies to Councillors and officers at the City of Canada Bay Council who deal with customers, members of the public, other agencies, service providers, community organisations or other members of staff.

6 Definitions

6.1 Complaint

An expression of dissatisfaction with Council's level and quality of service, employees, or policies and procedures affecting an individual customer or group of customers. (Further details see below 7.1).

6.2 Compliment

A statement of satisfaction about services or facilities provided by Council.

6.3 Competitive Neutrality

The principle that Council businesses should not operate with any unfair competitive advantage.

6.4 Complainant

Person or organisation making the complaint.

6.5 Corruption

Corrupt conduct involves the dishonest or partial exercise of an official function by a public official. The conduct of a person who is not a public official comes within the definition when their conduct adversely affects the impartial or honest exercise of official functions by a public official.

6.6 Council

City of Canada Bay Council.

6.7 Grievance

An expression of dissatisfaction by an employee of Council about the way in which they have been treated by another member of staff (including supervisor).

6.8 Maladministration

Is a failure to comply with proper procedures or the law and may involve action or inaction and inefficient, bad or improper administration.

6.9 Officer

Is an employee of Council, not an elected representative.

6.10 Protected Disclosure

An allegation of corrupt conduct, maladministration, and serious and substantial waste that may be subject to the Protected Disclosures Act.

6.11 Quality

The totality of features and characteristics of a product or service that bears on its ability to satisfy stated or implied needs.

6.12 Reportable allegation

Inappropriate behaviour that is detrimental to a child or young person. The victim of the inappropriate behaviour must be aged under 18 years at the time of the incident. Only a reportable allegation in relation to a member of staff constitutes a complaint under this policy.

6.13 Request

A request for the provision of services (including the provision of information), a report about damaged or faulty infrastructure, or a report requiring action regarding noise, pollution, dogs, food premises etc. A report of a child at risk, a reportable allegation or reportable conduct under the child protection legislation that is not related to the services that Council provides constitutes a request by virtue of the obligations on Council staff as mandatory reporters.

6.14 Reportable conduct

Assault, ill treatment, neglect or exposing or subjecting a minor to behaviour that psychologically harms the child. Only reportable conduct in relation to a member of staff constitutes a complaint under this policy.

6.15 Systemic Problem

Is caused by failures in the product or service design, delivery system or organisational policies or procedures.

6.16 Dataworks

Council's computerised customer request management system (CRMS) and records management system.

7 Definition of a Complaint

7.1 What is a complaint?

A complaint is any expression of dissatisfaction with Council:

- **Policies procedures and processes** - this usually relates to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure;
- **Employees** - usually relates to dissatisfaction with the behaviour of a Council employee;
- **Quality of service** - generally related to the quality of the finished job such as service not up to an expected standard, or the work or service taking longer than previously specified.

The complaints outlined above fall into the category of general complaints, which are dealt with and resolved inside Council. However, there are other types of complaints described below, which have external reporting requirements, or may need to be dealt with by an agency other than Council.

7.2 Complaints with statutory reporting requirements

There are a range of issues that may need to be dealt with and resolved inside the organisation and may also have external requirements. These include:

7.2.1 Protected disclosures

The Protected Disclosures Act 1994 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste. Council's Protected Disclosures Procedure outlines how protected disclosures are to be dealt with and is contained in the Code of Conduct. The Code of Conduct includes details and definitions of what constitutes corrupt conduct, maladministration and serious and substantial waste.

7.2.2 Complaints concerning Councillors

Complaints concerning Councillors, including allegations of a breach of the Code of Conduct such as a pecuniary conflict of interest, are to be referred to the General Manager. The Code of Conduct outlines how such complaints are to be dealt with.

7.2.3 Allegations under the Child Protection legislation

Complaints relating to Child Protection are to be dealt with in accordance with Council's Child Protection Policy.

Complaints with mandatory report requirements are reportable allegations and reportable conduct in relation to a member of staff. In accordance with the Child Protection Policy procedure, the allegation or conduct must immediately be reported to the General Manager, who must notify the Ombudsman within at least 30 days.

A report of a child at risk, of a reportable allegation, or reportable conduct to Council, that is not related to a Council policy, service or member of staff, constitutes a request.

7.2.4 Competitive Neutrality Complaints

An actual or potential competitor of a Council business may make a complaint if it believes that it is being adversely affected through failure to adopt competitive neutrality - that is, Council is operating with an unfair competitive advantage.

7.2.5 Allegations of breaches of the Trade Practices Act

Complaints relating to breaches of the Trade Practices Act 1974 (Commonwealth) are to be referred to the Public Officer. The Trade Practices Act Compliance Program defines breaches of the Trade Practices Act and the manner in which such complaints are to be dealt with.

7.2.6 Privacy complaints

Complaints relating to privacy and breaches of the Privacy and Person Information Protection Act 1998 are to be referred to the Public Officer who will notify Privacy NSW, the relevant Director and the General Manager.

7.3 Grievance complaints

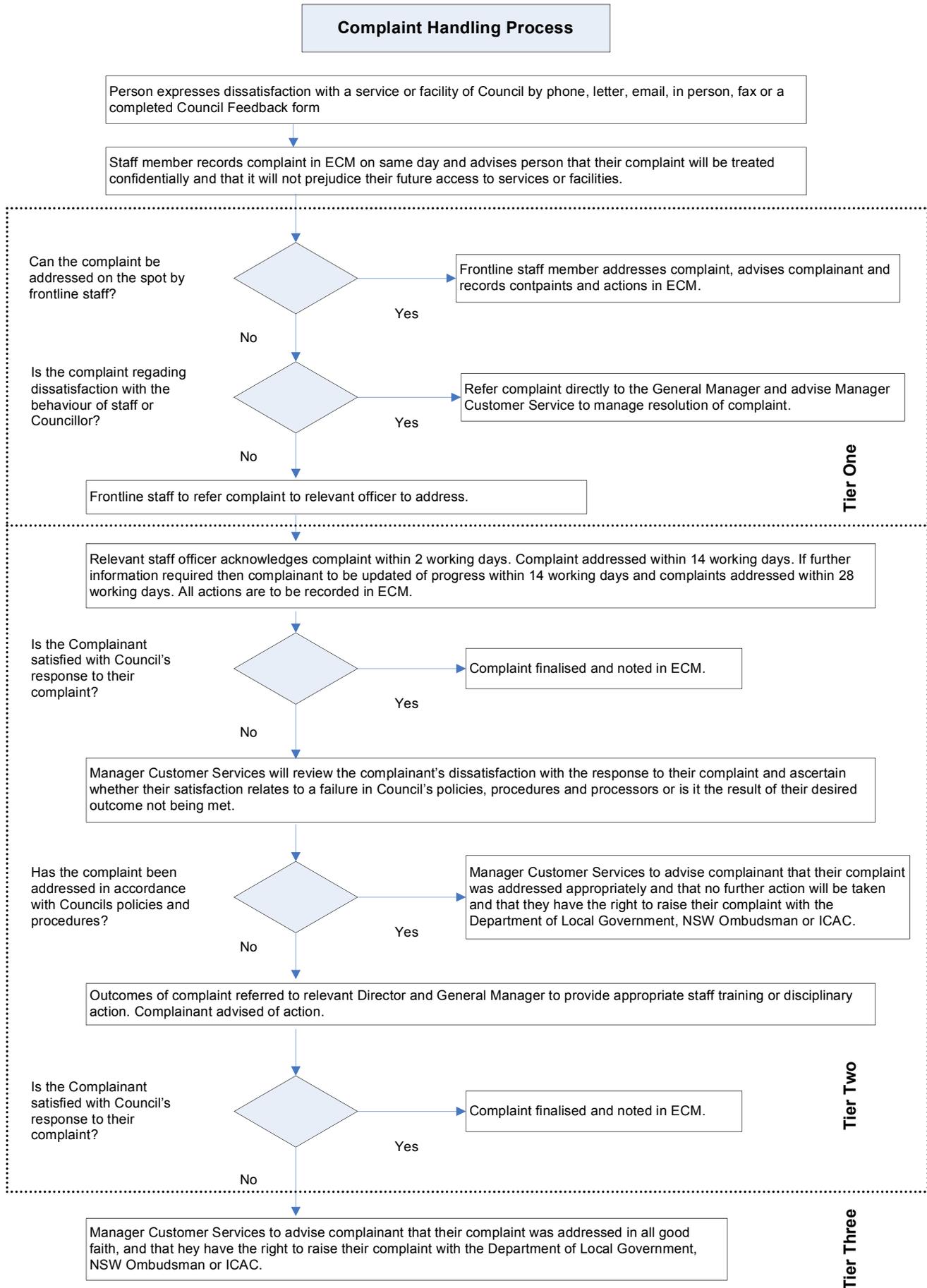
Grievance complaints are to be referred to the Manager Human Resources and will be dealt with in accordance with the Council's Grievance procedures.

8 What is not a complaint

A complaint is not:

- A request for works or services - unless it is a second request where there has been no response to the first request or where, in the view of the customer the response was unsatisfactory;
- A request for information or explanation of policies, procedures or decisions of Council;
- A request for information regarding Council assets or services;
- An expression concerning the general direction or the performance of Council or its elected representatives;
- Reports of hazards (e.g. fallen trees), damaged or faulty infrastructure (e.g. potholes);
- Reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works), or an event, service or business for which Council is not responsible;
- The lodging of an appeal or objection in accordance with a standard procedure or policy;
- Negative feedback in a submission or survey, or disagreement with Council's policy, procedures or a lawfully made decision.

9 Complaint Handling Process



Council has adopted a three tiered approach to handling complaints. This approach aims to have the complaint resolved as quickly as possible by the person who provided the service or who dealt with the issue. The following describes the three tiers:

9.1 Tier 1 - Frontline Complaints Handling

Complainants are encouraged to provide feedback/to lodge their complaint with the officer who provided the service or who dealt with the issue as this is more likely to result in a speedy resolution to the complaint. Staff will register all complaints and the resolution/action taken in Council's Customer Request Management System (CRMS) - "DataWorks".

A staff member receiving a complaint of a minor nature should deal with the complaint at that time or refer it immediately to the appropriate staff member who may be able to resolve the problem on the spot.

9.2 Tier 2 - Internal Review

All complaints will be acknowledged by staff via phone or email within 2 working days of receiving the complaint and registered into Dataworks.

All complaints will be addressed within 14 working days of receipt of the complaint, except where further information is waiting to be received.

In the instance where further information is required, then the complainant will be advised of the progress of the complaint within 14 working days and the complaint will be addressed within 28 working days.

If the complainant remains unsatisfied after speaking to or corresponding with the officer who delivered the service or who dealt with the issue, or if he/she feels uncomfortable approaching the officer, then they may lodge the complaint with a more senior officer or the Customer Services Manager.

If the complainant is still dissatisfied with the outcome - or if the complaint is about a Director - the complaint should be submitted to the General Manager. If the complaint is about the General Manager then the complaint should be submitted to the Mayor or to an external agency.

All complaints and actions are to be recorded in Council's CRMS 'Dataworks'.

The relevant Director must sign off on the relevant Manager's response to the Complaint.

9.3 Tier 3 - External Review

If the complaint cannot be resolved to the customer's satisfaction through Council's internal complaints handling system, the complainant will be referred to an outside agency such as the Ombudsman, the Independent Commission Against Corruption, the Department of Local Government, to an alternative dispute resolution procedure, or as a last resort, may be referred to a legal remedy.

Should a complaint and subsequent review not be resolved to the satisfaction of the complainant, the Public Officer may determine a dispute resolution procedure, such as mediation or conciliation. Should an appeal procedure or other legal remedy exist, the Public Officer will advise the complainant accordingly.

Alternatively, the Public Officer will advise the complainant that the complaint may be referred to an external agency for review. Complaints, dependant on their nature, can be referred to the following external agencies for an external review:

- The NSW Ombudsman;
- NSW Department of Local Government;
- The Independent Commission Against Corruption;
- Anti-Discrimination Board;

- Australian Competition and Consumer Commission;
- Privacy NSW;
- Administrative Decisions Tribunal.

Complaints will automatically be referred by the receiving officer on to the next tier if:

* The complaint is about the staff member's own conduct and she/he does not feel confident about dealing with it fairly;

- The complainant requests it;
- The problem is clearly outside the staff member's delegation or area of expertise.

Complaints will be automatically referred to the General Manager if:

- A staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct.

When a complaint is referred on, the complainant will be told the name and telephone number of the person to whom it has been referred and the procedure that will be followed.

9.4 Lodging a complaint

Complaints may be lodged with Council

- in person;
- by telephone;
- by facsimile;
- by email;
- by letter.

Complaints should include details such as name, address and contact phone numbers of the complainant together with a brief description of the problem.

All complaints received by Council will be recorded in Council's electronic document management system (DataWorks), and are to be recorded as a complaint.

Upon receipt of a complaint, the procedure as outlined in section 9.1, 9.2 and 9.3 needs to be followed.

10 Responsibilities

10.1 All Staff

All staff are responsible for:

- Ensuring that if they receive a complaint under this policy, it is registered in DataWorks and dealt with as required by this policy;
- Taking ownership of complaints as directed by their Manager/Director.

10.2 Manager Customer Services

The Manager Customer Services is responsible for:

- Monitoring, analysing and reporting on complaints and compliance with this policy;
- Ensuring all staff are aware of this policy and their responsibilities regarding service delivery;
- Reviewing and recommending improvements to service delivery to improve customer satisfaction.

10.3 Public Officer

The Public Officer is responsible for:

- Ensuring all complaints requiring statutory reporting to external agencies are sent;

- Liaising with other organisations where complaints require external review or advice;
- Conducting a review of Council's complaint handling processes on a two-yearly basis to ensure that such processes are responsive to complaints 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 the General Manager.

10.4 Directors and Managers

All Directors and Managers are responsible for:

- Ensuring that complaints are dealt with promptly and with full and due respect to the complainant;
- Resolving complaints relating to their area of responsibility;
- Making sure that the General Manager is advised of all complaints of a serious nature, and the progress in resolving such complaints.

10.5 General Manager

The General Manager is responsible for:

- Competitive neutrality complaints. The General Manager will conduct a monthly review of all resolved and unresolved complaints. The General Manager is also responsible for forwarding allegations of corrupt conduct to the ICAC under S11 of the NSW Independent Commission Against Corruption Act 1988.

10.6 Human Resources Manager

The Human Resources Manager is responsible for:

- Those complaints that fall within the ambit of existing performance management, EEO, grievance or bullying/harassment policies.

11 Complaints not to be investigated

The Public Officer may determine that a complaint will not be investigated where that complaint:

- Is considered frivolous, vexatious or not made in good faith or concerns a trivial matter;
- Involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- Relates to a decision of Council;
- Relates to matters already under investigation by the Minister for Local Government, ICAC, the NSW Ombudsman's office, a Minister of the Crown or government department or the NSW Police Force;
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- Relates to a matter awaiting determination by the Council;
- Relates to the actions or conduct of private individuals not contracted by Council;
- Involves a matter where the complainant declines or refuses to provide further information/there are threats made against Council.

Should the Public Officer determine that a complaint will not be investigated; the complainant will be advised of the reason for this decision.

11.1 Anonymous complaints

The Public Officer will determine whether an anonymous complaint will be investigated dependant upon the seriousness of the complaint and provided there is sufficient information in the complaint to enable an investigation to be conducted, or whether there is a statutory requirement for identification of the complainant.

11.2 Persistent complaints

From time to time, the Council will encounter complainants who are persistent and write 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 the 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 Public Officer who will make a recommendation to the General Manager that further correspondence/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, 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 registered and filed, but not responded to.

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.

In the instance of continuous or persistent harassment of staff by a complainant, the complainant may be told that they are only to deal with the General Manager. At this time all phone calls and correspondence will be forwarded to the General Manager and no staff member will directly deal with the complainant or attempt to address issues raised by the complainant without the involvement of the General Manager.

12 Confidentiality

All complaints received that are protected disclosures will remain confidential in accordance with the terms of the Protected Disclosures Act 1994.

Confidentiality will be given to complaints according to the principles in the Privacy and Personal Information Protection Act (NSW) and the Freedom of Information Act.

Council will ensure that confidentiality is maintained in regard to complaints received. Staff receiving and recording complaints alleging breaches of Council's Code of Conduct must ensure that all allegations contained therein are not discussed other than with the Public Officer/General Manager.

13 Service Standards

Council's aim is to finalise all complaints within 14 working days and to undertake the following steps in the complaint handling process within the specified timeframes:

- Acknowledge all complaints within 48 Hours by phone or email;
- All complaints are recorded in Council's CRMS 'Dataworks' on the same day;
- Finalise the response to the complainant within 14 working days of receiving the complaint;
- If further information is required then complainant must be updated of progress within 14 days and complainant responded to within 28 working days;
- All actions are to be recorded in Council's CRMS 'Dataworks'.

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 the General Manager.

Staff are to keep the complainant informed of progress with their complaint, particularly if the complaint may take longer than the standard timelines because of its complexity or it requires response from another organisation. Progress updates should be carried out at least fortnightly.

13.1 Reporting on Complaints

On a quarterly basis the Customer Services Manager will provide reports to Executive 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;

Complaint Handling Policy

- 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 an annual basis the Customer Services Manager will prepare a statistical summary of complaints received for the statutory annual report.

14 Learning from Complaints

Every complaint is an opportunity to identify how to improve our standard of customer service, delivery of services or policy and procedures. Complaints are an important and useful way of obtaining information that there is an issue, and how a response might be able to improve service delivery and customer satisfaction.

15 Related Policies

Below is a list of relevant Council Policies and Procedures and Complaints Handling Procedure:

- Council Code of Conduct;
- Equal Employment Opportunity (EEO) Policy;
- Harassment Policy;
- Procurement Policy;
- Payment of Expenses and Provision of Facilities to Councillors;
- Sponsorship Policy;
- Internal Reporting Policy Protective Disclosures Act;
- Statement of Business Ethics;
- Child Protection Policy.