

# Complaints Handling Policy

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## Table of Contents

PART A: POLICY .....	4
1. Purpose.....	4
2. Background.....	4
3. Scope .....	4
4. Definitions .....	4
5. References & associated documents .....	4
PART B: STATEMENT OF PROCEDURES.....	6
1. How council can receive complaints .....	6
2. Recording Complaints in CRM system.....	7
3. Complaints handling process .....	7
4. Communication with Complainant .....	8
5. Privacy and Confidentiality.....	8
6. Exemptions.....	8
7. Complaints received by Contractors .....	9
8. Anonymous complaints.....	9
9. Malicious, Frivolous and Vexatious Complaints .....	9
10. Criminal complaints.....	9
11. Complaints involving Allegations of Maladministration or Corrupt Conduct .....	9
12. Complaints regarding Child Protection .....	10
13. Unresolved Complaints .....	10
14. Abusive or Aggressive Customers .....	10
15. Assistance for people with special needs.....	10
16. Reporting against Complaints .....	10
17. Regular review of complaints handling process.....	11
18. Contact Information .....	11
19. Policy History .....	11
20. Reviews.....	11

# PART A: POLICY

## 1. Purpose

The purpose of these procedures is to provide clear guidance to Federation Council Officers about the process for handling complaints received from our community and customers. Our aim is to ensure that complaints are addressed promptly and effectively and that where possible a mutually acceptable outcome can be achieved in a professional and courteous manner.

## 2. Background

Federation Council provides a wide range of services and facilities to its residents and members of the community. Council recognises and understands that from time to time, service delivery may not be of the high standard that ratepayers and residents are entitled to expect. As a result, complaints may be lodged and Council therefore undertakes to address these concerns promptly and efficiently.

## 3. Scope

These procedures aim to address Council's commitment to providing all customers with an avenue for expressing their dissatisfaction with any of Council's policies, procedures, fees and charges, as well as with the conduct of Council officials.

## 4. Definitions

**"Customer complaint"** - is distinct from a customer enquiry or request and has been defined by Council as "an expression of dissatisfaction with a Council's policy or procedure, Councillor/s, staff member/s, fees and charges, agents or quality of service".

**"Council officials"** – includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council.

**"Public Officer"** – person appointed by the General Manager to deal with requests from the public concerning the council's affairs.

## 5. References & associated documents

### 5.1 Relevant Legislation

*Privacy and Personal Information Protection Act 1998 (PPIP Act)*

*Government Information (Public Access) Act 2009 (GIPA Act)*

*Local Government Act 1993 (LGA Act)*

*Public Interest Disclosures Act 1994 (PID Act)*

*Government Information (Information Commissioner) Act 2009 (GIIC Act)*

*Independent Commission against Corruption Act 1988 (ICAC Act)*

*Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*

*Crimes Act 1990*

*Children and Young Persons (Care and Protection) Act 1998*

## **5.2 Relevant Council Policies**

Federation Council Internal Audit Committee Charter

Federation Council Model Code of Conduct

Federation Council Procedures for the Administration of the Model Code of Conduct

Federation Council Customer Service Charter

Federation Council Privacy Management Plan

Federation Council Disciplinary Action / Performance Management Policy

Federation Council Grievance Policy

Federation Council Child Protection Policy and Procedures

Federation Council Bullying and Harassment Policy

Federation Council Operational Policies

Federation Council Recruitment and Selection Policy

Federation Council Equal Opportunity Policy

## PART B: STATEMENT OF PROCEDURES

### 1. How council can receive complaints

Council may receive complaints in the following ways:

- In writing
- In person
- By telephone
- By e-mail or fax
- Via our website

All complaints in writing should be addressed to the General Manager.

Complaints in person or by telephone should be directed in the first instance to Councils Administration centre, but confidential or serious complaints may be referred directly to the responsible person/s specified in the table below.

Complaints that are received via the Administrator/Councillors will be referred to the appropriate person as per the table (Refer Table 1. below).

Councils Public Officer is specifically appointed to manage requests or complaints from the public concerning specified Council matters.

**Table 1. Responsibilities**

Nature	Origin of complaint / Initial responsibility	Escalation /Referral of Complaint
First point of contact	Customer Service staff	Refer to table
Abusive customers, complex or unresolved complaints.	Team Leader / Supervisor	Refer to table
All complaints under area of control other than those listed above including Child Protection complaints.	Manager	Director
All complaints under their area of control other than those listed above including Child Protection complaints.  Repeated contact from a complainant.	Director	General Manager
Competitive Neutrality or issues concerning Councils affairs (Sect 343 of the LG Act).	Public Officer	General Manager
All requests received in writing.  Breach of the Code of Conduct against Council officials/committee members/delegates of	General Manager	Office of Local Government

Council/volunteers/Public Officer.		
Breach of the Code of Conduct against GM	Mayor	Office of Local Government
Breach of the Code of Conduct against Administrator or Conduct Reviewers.	Office of Local Government	
Breach of the Code of Conduct against a Councillor / Mayor.	General Manager	Office of Local Government
The following specific complaints about Councillors or the Mayor: a) complaints alleging a breach of the pecuniary interest provisions of the Act, b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B), c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.	Office of Local Government	

## 2. Recording Complaints in CRM system

All complaints received by Council must be logged in the Councils Customer Request Management System immediately to ensure any critical details are not missed or forgotten.

Only factual information should be recorded. It is not appropriate to use negative comments or inappropriate language to describe a complainant or the issue. Comments of this nature may be subject to disciplinary procedures being undertaken and have the potential to result in a defamation claim if details are released to the complainant under Freedom of Information legislation.

Only genuine complaints must be recorded as complaints. All other requests must be logged as an action rather than a complaint.

## 3. Complaints handling process

Complaints received by Council concerning Council affairs will be referred to the appropriate staff member at Manager or Supervisor level to investigate in the first instance.

Should the process undertaken by the Manager or Supervisor fail to resolve the complaint, or the outcome is regarded as unsatisfactory to the complainant, the Manager or the Supervisor will escalate the complaint to the Director or Public Officer for further review.

Where these internal processes are unable to resolve a complaint or satisfy the complainant, the complainant will be advised of alternate avenues such as the NSW Ombudsman's Office, the Independent Commission against Corruption (ICAC) or the Office of Local Government.

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

A complaint alleging a breach of the Code of Conduct must be made in accordance with the [Procedures for the Administration of the Model Code of Conduct](#).

## 4. Communication with Complainant

All complaints must be acknowledged within 7 days by where the complainant has provided a name address and contact details by the staff member responsible. Acknowledgement may be in writing or by telephone as appropriate and must include the details of the contact officer or responsible person handling the complaint and the expected timeframe to reach a resolution.

Follow up of any progress regarding the investigation must occur periodically and be carried out by the staff member responsible.

The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations within 48 hours of a resolution being made. Where possible, the complainant will also be advised of any measures taken to minimise chances of the issue(s) underlying the complaint occurring again.

## 5. Privacy and Confidentiality

All Council Officers, Contractors, Volunteers and Councillors must ensure that confidentiality is maintained in regards to all 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 the General Manager.

Council will take all care that the reporting of complaints about Council activities will not result in the complainant being victimised or experiencing any form of retribution as a result of the complaint.

## 6. Exemptions

The following are **not** considered complaints under this policy:

- 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 is unsatisfactory;
- a complaint about a neighbour or about an event, service or business for which Council is not responsible;
- a request for information or an explanation of policies or procedures;
- a disagreement with Council's policies or a lawfully made decision; and
- the lodging of an appeal or objection in accordance with a standard procedure or policy, for example, a complaint about an approved development or draft policy or plan – unless this is recorded as a complaint about Council's decision making process



## **7. Complaints received by Contractors**

When 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, it will be escalated to the relevant Director or the Public Officer for further review.

Contractors conducting work on behalf of Council are required to report any complaints received by them regarding any aspect of Councils operations or their work, directly to the Contract Administrator. On request from the complainant, the contractor must refer the complainant directly to the Contract Administrator to address issues surrounding the complaint.

## **8. Anonymous complaints**

Generally Council will only act on anonymous complaints where the matter is considered serious and there is sufficient information in the complaint to warrant an investigation to be conducted.

## **9. Malicious, Frivolous and Vexatious Complaints**

All complaints received by Council are to be treated with the utmost seriousness, however if investigations reveal that the complaint is malicious, vexatious or frivolous in nature, Council will take no further action. Any decision to take no further action will be made by a member of staff at the level of General Manager and the complainant will be informed of the decision in writing within 48 hours.

## **10. Criminal complaints**

A complainant making an allegation about criminal activities will be referred directly to the police and the matter is to be reported immediately to the General Manager.

## **11. Complaints involving Allegations of Maladministration or Corrupt Conduct**

Complaints or allegations about corruption, serious or substantial waste, pecuniary interests or competitive neutrality from customers or members of the public who are not employees of Council should lodge the complaint directly with the Council appointed Conduct Reviewer or with one of the following external bodies:

- the Independent Commission Against Corruption (ICAC) for complaints about corruption;
- the NSW Ombudsman for complaints about maladministration; and
- the Director-General of the Department of Local Government for complaints about serious; and substantial waste of public monies, pecuniary interests or competitive neutrality.

All details of the interaction must be recorded and logged via the Customer Request Management System (CRM) and an immediate supervisor must be notified.

Where necessary, an incident report must be lodged.

## 12. Complaints regarding Child Protection

All such complaints are to be referred immediately to the responsible Director or General Manager.

## 13. Unresolved Complaints

Complex or unresolved complaints must be referred to the responsible Director or the General Manager where appropriate.

## 14. Abusive or Aggressive Customers

Where a staff member feels threatened by a customer who is making vulgar noises, expressions or gestures, verbal abuse, threatening or offensive behaviour or physical behaviour towards themselves, another officer or council property, an officer will issue a first warning to the customer asking them to discontinue the offensive behaviour or risk having their interview or phone call terminated. Where the behavior continues, the staff member should advise their immediate supervisor.

## 15. Assistance for people with special needs

Council officers must provide assistance for people with special needs to lodge feedback or complaints. This includes people with sensory disabilities, people with intellectual disabilities, people who have literacy problems and people from different cultural backgrounds.

## 16. Reporting against Complaints

### **MANEX**

On a monthly basis, Directors will provide reports to MANEX 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

### **ANNUAL REPORT**

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

### **ICAC**

Under Section 11 of the Independent Commission Against Corruption (ICAC) Act 1998, the General Manager must report to ICAC in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council within 3 months of the alleged incident.

## 17. Regular review of complaints handling process

The Public Officer will conduct a review of Councils 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. The review, along with any findings and recommendations, will form the basis of a report to Council.

## 18. Contact Information

### Independent Commission Against Corruption (ICAC)

Level 7, 255 Elizabeth Street, Sydney NSW 2000

Telephone: 02 8281 5999

Toll Free: 1800 463 909

TTY: 02 8281 5773

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

### Office of the (NSW) Ombudsman

Level 24, 580 George Street, Sydney NSW 2000

Telephone: 02 9286 1000

Toll free : 1800 451 524

TTY: 02 9264 8050

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

## 19. Policy History

Version	Date	Changes / Amendments
1	21/06/2016	Document developed for Federation Council
2	15/03/2017	Updated with new branding
3	17/09/2017	New template applied, Removal of reference to Administrator in reporting table regarding Breach of the Code of Conduct against GM

## 20. Reviews

This policy will be reviewed every 2 years or as required.

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