



## **COMPLAINTS POLICY**

**THE AIM OF THIS COMPLAINTS SYSTEM IS TO IMPROVE  
CUSTOMER SERVICE IN ALL AREAS OF COUNCIL  
RESPONSIBILITY**

This council welcomes complaints as a way of improving services to the community and will ensure every complaint is received courteously, investigated and acted on quickly and appropriately. All complaints will be recorded and examined so that action can be taken to avoid the problem occurring again and ensure the service provided meets community needs. If Council is unable to resolve the complaint, the complainant will be referred to an appropriate authority.

Complaints present an opportunity for Council to:

- Identify areas that need improvement
- Respond effectively to individual cases of dissatisfaction, and
- Provide an opportunity to strengthen public support.

Council will use the complaints management system as a measure of customer satisfaction.

Resolution of a complaint may involve or lead to the review of a council policy or procedure to ensure improved service delivery.

An effective complaints management system provides at least three levels of review:

1. receiving, registering and resolving complaints by frontline staff.
2. Where the client/customer is still dissatisfied, the complaint is investigated by a more senior or an identified complaints officer and the results of the review reported to the customer.
3. Where the complaint cannot be resolved within the Council, the complainant is referred to an outside agency to seek resolution.

**It is the responsibility of ALL staff to deal with first tier  
complaints**

**Procedures for customers to make complaints:**

Complaints can be made:

- Verbally over the counter
- By telephone
- In writing.

The complainant should be kept informed of what is happening. Appropriate redress should be provided where there is substance to a complaint. Clearly defined means and responsibilities should be in place to prevent recurrence of the problems identified by complaints. A method for reviewing complaints and passing information on to relevant staff should be established.

The Public Officer, having the necessary authority, should have overall responsibility for managing the complaints system. This person ensures the system works, produces regular management reports on the number of kind of complaints and feeds useful information from complaints back to the relevant sections of Council. The person in this position should be able to receive and review information from complaints and initiate corrective action for individual cases and general policies.

Council will make information on how to complain available to the public. How, where, when and to whom. The use of a standard form used by Council staff will assist in recording and registering complaints received in person or by phone.

To ensure speedy resolution time limits have been set for each step in the complaints procedure. Time limits should be set for the initial acknowledgment (by phone or letter) and the final response to the complainant.

Complainants should be told of their options when making a complaint especially if Council is unable to resolve the complaint, this may involve telling the complainant about the right to make a complaint to another public sector agency or rights of appeal to the Courts.

### **Remedies**

If a complaint is justified and remedies are appropriate complainants should, as far as possible, be put in the position they would have been in if things had not gone wrong. This may simply mean providing the desired service. Other options for Council include:

- Investigation of the complaint
- Review of and improvement to council policies, procedures or services
- Referral to other bodies
- Disciplinary action.

### **Special Cases**

If a complaint concerns alleged **corrupt conduct** the General Manager must be notified. The General Manager must then report the matter to the Independent Commission Against Corruption. As soon as reasonable suspicion that corrupt conduct is or may be involved a report must be made to ICAC. Reporting of these matters to ICAC should not delay reporting to the Police or other authorities. Councils dealing with matters alleging corrupt conduct should contact ICAC for advice on how to proceed.

Complaints involving **criminal actions** should be referred to the Police.

Complaints involving alleged **pecuniary interest** should be made in writing to the Director-General of the Department of Local Government, identifying the complainant and the person against whom the complaint is made, giving particulars of the complaint and be verified by Statutory Declaration. The Director-General of the Department of Local Government, through the Department's Investigations & Review Branch, is responsible for assessing and investigating pecuniary interest complaints. When dealing with these matters the Investigations and Review Branch should be contacted for advice on how to proceed.

Complaints regarding **competitive neutrality** will be made either to Council directly or to the Department of Local Government. Once a complaint is referred to the Department, the Government has agreed that all such complaints will be forwarded to councils for resolution in the first instance. All complaints regarding competitive neutrality issues should be referred to the Public Officer.

### **Responding to Complaints**

This section provides guidelines for two key groups in Council – frontline staff and complaints handling specialists.

#### **Frontline Staff**

Frontline staff will receive many of the complaints about council services and operations. These complaints will range from the minor to the very serious. In responding to complaints the job of frontline staff is to assist the complainant in the case of straightforward minor complaints as speedily as possible. In the case of more serious complaints their responsibility is to direct the complaint to the most suitable authority either in council or in another agency.

Complaints will reach Council in writing, by phone and over the counter. The first steps in responding to any complaint are simple, but important!

**When the complaint is in writing:**

- Acknowledge the complaint promptly
- Understand the complaint. If there is any doubt at all, set it out by way of a summary or restatement
- Say what will happen next
- Say who will be dealing with the matter and how they can be contacted.

The job of frontline staff is to assist the complainant in the case of straightforward, minor complaints as speedily as possible.

**When the complaint is via phone or across the counter**

- Make a record of it
- Check that record back with the complainant
- Explain what will be done about the complaint by informing the complainant of what will happen next
- Ensure that necessary follow up action is taken.

**Complaints Handling Specialists**

The kinds of complaints the complaints handling specialist responds to are:

- **Serious complaints** involving personal injury, a breach of the law, or financial implications above a certain level; and
- **Complaints** which involve the need for a detailed knowledge of council's operations and procedures.

The specialist undertakes the necessary investigations and ensures a full and appropriate reply is given. Where necessary the complaints handling specialist will seek conciliation of the complaint.

The complaints handling specialist will:

- Be an expert in council's complaints procedures
- Know what authority to exercise in different circumstances
- Need to know about the function and powers of other authorities and how these might relate to complaints received by the Council.

The complaints handling specialist may be, or work closely with, Council's Public Officer.

### **Resolving Disputes – Conciliation**

It helps to be aware of the way matters can escalate into major problems and how council can prevent minor issues becoming serious matters. Conciliation is an effective way of dealing with relatively minor complaints and/or matters caught at an early stage.

### **Reporting Outcomes**

The reporting of outcomes is an important task for the complaints handling specialist. The information collected on where things went wrong and how services could be improved is very valuable. But to be useful this information has to be communicated to the people in council who can improve the service being delivered – at all levels of operations.

As a measure of accountability the complaints system should briefly describe:

- The frequency of complaints made verbally and in writing
- A breakdown by categories of the subject matter of complaints
- The percentage that are actually resolved
- The methods by which resolution was achieved. For example, by conciliation, by investigation or by resort to external means such as mediation or the Courts
- A carry-over figure of matters under inquiry or not resolved at report date.

### **Time Limits**

All valid complaints should be responded to as quickly as possible, however due to various constraints not all problems will be able to be rectified immediately.

Nature of Complaint	Time Limit
Dog control	If there is a risk of injury to the public – within 2 hours – otherwise within 5 work days
Roads	If there is a risk of injury to the public – within 2 hours – otherwise within 5 work days
Other	Within 5 work days

## **SPECIALIST AGENCIES**

### **Department of Local Government**

The Department receives complaints concerning the conduct and management of Councils. Preliminary enquiries are conducted to assess whether formal investigations are required. Only a small proportion result in investigations. The Department encourages complainants to resolve issues with the council concerned. Where these issues remain unresolved the department will review the matter, including the council's handling of the complaint.

### **Office of the Ombudsman**

The Ombudsman investigates complaints about the conduct of public authorities. The Ombudsman has discretion on how to deal with complaints and does not always exercise the power to investigate particular complaints fully or at all. The Ombudsman will not normally investigate complaints which can and should be resolved by an appropriate complaints handling system with the public authority in question. The Ombudsman will always consider for investigation complaints which cannot be so resolved, as well as a failure by the public authority to deal satisfactorily with a complaint.

### **Independent Commission Against Corruption**

The Commission's role is to expose and minimise corruption in the NSW public sector.

#### **Corrupt Conduct**

Corrupt conduct is defined as dishonest or partial exercise of an official function by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, comes within the definition.