



## COMPLAINTS MANAGEMENT POLICY

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Resolution No: 285/2018

Supersedes: 1.4.16(v2)

Proposed Review Date: 23/10/2020

Responsible Officer: Manager Corporate Services

Verified by

Verified by

General Manager.....

Mayor.....

## **Introduction**

### **1.1 Purpose**

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively. Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our 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 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**

This organisation 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	<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 the analysis of complaint data.</li> </ul> <p style="text-align: right;">• continued overleaf</p>
Manager responsible for complaint handling	Establish and manage our complaint management system.	<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 the 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 the organisation’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>
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<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 of complaint data as directed by management.</li> </ul>

All staff	Understand and comply with Council's complaint handling practices.	<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 the 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> <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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### What is a complaint?

1. For the purpose of this policy a complaint is any expression of dissatisfaction made to or about Council, its services and/or complaint handling, where a response or resolution is explicitly or implicitly or legally required. A complaint can be about the following:
  - **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.

### What is not a complaint?

2. The following are **not** considered to be 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 was unsatisfactory
  - a complaint about an event, service or business for which the Council is not responsible
  - a request for information or explanation of policies, procedures
  - disagreement with Council's policy or a lawfully made decision
  - the lodging of an appeal or objection in accordance with a standard procedure or policy (e.g. a complaint about an approved development or draft policy or plan – unless this is recorded as a complaint about the Council's decision making process
  - reports of damaged or faulty infrastructure
  - reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of Council's service
  - the issue of a penalty notice or taking other regulatory action for an offence under an Act or Regulation
  - staff grievances
  - public interest disclosures made by our staff
  - code of conduct complaints
  - responses to requests for feedback about the standard of our service provision
  - reports of problems of wrongdoing merely intended to bring a problem to our notice with no expectation of a response
  - requests for information

3. Many of the above issues will be referred to by the customer as ‘complaints’ because the customer is unhappy about the situation and wants something done. To Council, however, the ‘complaint’ is a **request** for action. This terminology does not reduce the importance of the issue, nor does it change the actions that Council will take. However, it does help Council differentiate between a complaint and a request so that the issue can be registered appropriately in Council’s service request system.
4. In general, most ‘true’ complaints, as Council defines them, are about staff behaviour, quality of service, Council policy or the outcome of a decision.

### Guiding principles



#### 4.1 Facilitate complaints

##### People focus

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

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

People making complaints will be:

##### 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.

##### 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).

### **No charge**

Complaining to us is free.

## **4.2 Respond to complaints**

### **Early resolution**

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

### **Responsiveness**

We will acknowledge all complaints received. 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:

- the complaints process
- the expected time frames for our 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.

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 reasons for the 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.

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

### **4.3 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 persons providing services on behalf of Council.

#### **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 to MANEX if issues are identified.

#### **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:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- 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 conduct by people making complaints.

## Complaint management system



### 5.1 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 key stages in our complaint management system are set out below.

### 5.2 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:

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

### 5.3 Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly and preferably within 10 working days.

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

### 5.4 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:

- 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, we will consider how to manage it. To manage a complaint we may:

- Give the person making a complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- 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.

### **5.5 Providing reasons for decisions**

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

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have 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, 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.

### **5.6 Closing the complaint, record keeping, redress and review**

We will keep comprehensive records about:

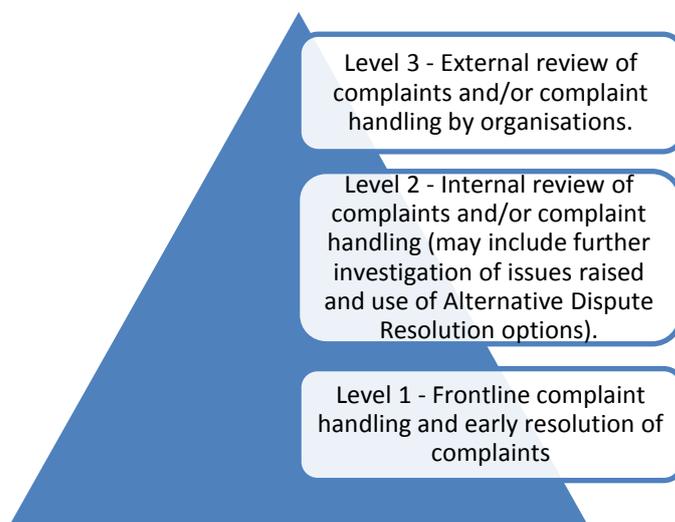
- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up.

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

### **5.7 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.

## 5.8 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).

### Accountability and learning

#### 6.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and 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
- Systemic issues identified, and
- The number of requests we receive 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.

## **6.2 Monitoring of the complaint management system**

We will continually monitor our 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, complaint satisfaction surveys and online listening tools and alerts.

## **6.3 Continuous improvement**

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we 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 complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

## **Appendix 1 – Definitions**

### **Competitive neutrality**

This is based on the concept of the 'level playing field' for all competitors in a market, be they public or private sector competitors. The National Competition Policy requires that 'where councils compete in the market place they should do so on a basis that does not utilise their public position to gain an unfair advantage over a private sector competitor'. Council will comply with this policy at all times. For more information about the National Competition Policy see the Office of Local Government website.

### **Complainant**

Person or organisation making the complaint.

### **Complaint**

See page 4 of this policy for definition.

### **Complaint management system**

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

### **Corrupt conduct**

This means any conduct which could affect the honest and impartial exercise of official functions, or may be in breach of trust, or may involve the misuse of any Council information by any Council official. Examples of corrupt conduct would include the inappropriate use of

information or material gained in an official function, bribery, blackmail, offering secret commissions, forgery, etc.

**Customer**

A person offered a service by Council, including both internal and external customers.

**Council**

Includes all employees and Councillors of Bourke Shire Council.

**Dispute**

An unresolved complaint escalated either within or outside our organisation.

**Feedback**

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services and/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 work related problem.

**Maladministration**

Is a failure to comply with proper procedures or the law and may involve action or inaction and inefficient, bad or improper administration. Examples would include failing to enforce development consent conditions, failing to act on complaints about unauthorised work or illegal activities, failing to comply with tendering processes or misusing secrecy provisions, etc.

**Officer**

Is an employee of Council, not an elected representative.

**Pecuniary interest**

A situation where a public official has a personal monetary interest in their official duties. For example, a Council employee making a decision about a development application for their own interests.

**Policy**

A statement or instruction that set out how Council should fulfil its 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 Public Interest Disclosures Act 1994.

### **Service request**

This would include:

- requests for approval
- requests for action
- routine enquires about Council's business
- requests for provision of services and assistance
- reports of failure to comply with laws regulated by Council
- requests for explanation of policies, procedures and decisions.