

COMPLAINTS MANAGEMENT POLICY AND PROCEDURE



Responsible Department: Corporate Services
Responsible Section: Corporate Services
Responsible Officer: Director of Corporate Services

Objective

This policy aims to effectively deal with and manage complaints from the Community, by:

- Demonstrating and promoting Council's commitment to customer satisfaction.
- Ensuring all complaints are responded to in a clear, courteous, fair, confidential and timely manner, without bias or fear of retribution.
- Ensuring all members of the community can access information on how complaints will be dealt with by Council.
- Educating staff in relation to complaint handling procedures and practices.
- Monitoring feedback in an endeavour to improve existing services and facilities and Council's public image.
- Acknowledging complaints within three (3) working days of receipt.
- Complying with the Principles of Natural Justice, procedural fairness, interpersonal fairness and informational fairness.
- Informing customers of their right to engage an advocate to act on their behalf. That is, be assisted by a person of their choice (e.g. relative, friend or other representative).
- Creating a second chance to provide service and satisfaction to dissatisfied members of the public.
- Identifying areas that need improvement.
- Providing opportunities to strengthen public support for the council.
- Assisting in planning and allocation of resources.

Introduction

Narrabri Shire Council is committed to delivering quality customer services and to communicating effectively with its customers and the local community. Council values customer feedback because it helps with the continuous evaluation and improvement of its services.

This policy describes an organised system for responding to complaints and is based on a joint publication prepared by the NSW Ombudsman and Department of Premier and Cabinet (Local Government) entitled '*Complaints Management in Councils – Practice Note No 9*' – July 2009.

This policy and procedure represents Council's system for responding to, recording, reporting and using complaints to improve service to the community. It includes procedures for people to make complaints and guidelines for staff to resolve complaints, and provides information to managers and staff that can assist them to prevent public dissatisfaction in the future.

Council encourages feedback from its customers and the community. This valued feedback provides Council with an opportunity to identify areas of service that need improvement, to respond to individual complaints and to strengthen the relationship between Council and the local community.

Council commits to:

- Accept any criticism graciously, believing that there is always room for improvement.
- Deal with complaints in accordance with this policy and procedure.
- Widely publicise the existence of this policy and procedure.
- Encourage members of the public dissatisfied with Council's conduct to lodge complaints and to facilitate such action by making complaint and feedback forms freely available in the Customer Service Centre and on Council's website.
- Ensure that complainants who are dissatisfied with the outcome of their complaint are offered a review by a more senior officer.
- Advise complainants of their right to make a complaint to an external body if they are dissatisfied with the way that their complaint has been handled internally.
- Report annually to the Public on complaint statistics, using this information to identify and rectify deficiencies in Council services.

Policy

What is a Complaint?

For the purpose of this policy a complaint is any expression of dissatisfaction with Council's:

Policies and Procedures – Complaints about policies and procedures are usually related to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure.

Employees – Complaints about employees are generally about dissatisfaction with the behaviour of a Council employee.

Quality of Service – Complaints about quality of service are generally related to the quality of the finished job (e.g. not up to an expected standard, poor workmanship) or the length of time taken to complete the job/provide the service (e.g. outside of service standards).

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 was unsatisfactory.
- a complaint about an event, service or business for which Council is not responsible.
- a request for information or an explanation of policies or 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, 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.
- 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.

Many of the issues above are called 'complaints' when a customer contacts Council. They are called complaints because a 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 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 customer request tracking system (Easyforms, Magiq documents)

In general, most 'true' complaints, as Council defines them, are about staff behaviour, quality of service, council policy, or the outcome of a decision.

Impact of a Complaint

Complaints which are not attended to promptly and effectively, can lead to problems such as:

- loss of confidence in Council staff.
- low job satisfaction and morale for staff.
- inefficient allocation of Council resources.
- resident/complainant feeling dissatisfied.
- a lowering of the general opinion of visitors to the community.

Accountabilities and Responsibilities

Accountability for complaints management shall be the responsibility of all employees.

Specific responsibilities are as follows:

- **Councillors** - The elected Councillors have a responsibility to accept complaints and refer them to the General Manager.
- **General Manager** - The General Manager has a leadership role in demonstrating a commitment to the effective resolution of complaints. The General Manager has the responsibility to:
 - resolve complaints where the customer is not satisfied with the Director's/Manager's decision.

- receive complaints alleging corruption for referral to the Independent Commission Against Corruption.
- **Directors** - Have a responsibility to consider details of complaint investigations and decide upon appropriate action. Deal with complaints in relation to the conduct of staff members.
- **Director Corporate Services**- Have a responsibility to receive and investigate complaints of inappropriate behaviour in reference to protected disclosures. Note: Protected Disclosures are not dealt with under this policy. Council has a policy 'Internal Reporting System – Protected Disclosures Act' which is available on both the Council website and the intranet.
- **Managers & Supervisors** - Are responsible for educating employees with regard to this policy and ensuring that complaints are responded to in a courteous, fair, confidential and timely manner, and that the complainant is advised of progress and outcomes.
- **Employees** - Are required to respond to complaints and requests from customers in a courteous, fair, confidential and timely manner.
- **Council's Professional Conduct** - The Ombudsman or the Department of Premier and Cabinet (Local Government), are responsible for the investigation of complaints about the conduct of public authorities, and/or the management of Councils, and may be contacted by the complainant at any stage.

Complaints about corruption, serious or substantial waste, pecuniary interests, competitive neutrality or criminal activity

External Customers

Complaints about corruption, serious or substantial waste, pecuniary interests or competitive neutrality should be lodged directly with the General Manager. The General Manager is obliged to report allegations of corrupt conduct to the Independent Commission Against Corruption and may report other serious allegations to the Police and/or other relevant authority. If a complaint involves allegations of criminal behaviour, it should automatically be referred to the Police.

Staff

Council has adopted an Internal Reporting Policy (under the *Protected Disclosures Act 1994*). This policy can be accessed on Council's website

www.narrabri.nsw.gov.au.

Staff, including contracted staff and Councillors, who wish to report corruption, serious or substantial waste or pecuniary interests should follow the procedures in Council's Internal Reporting Policy.

Safeguards against victimisation and retribution

Complainants will not be subject to victimisation or retribution as a result of lodging a complaint and any allegations of such treatment will be investigated and disciplinary action taken if substantiated.

If a complainant experiences such behaviour then they should lodge another complaint with the relevant Director or General Manager.

Complaints Management Procedure

How to lodge a complaint

Council will respond to all complaints whether they are provided in writing by letter, fax, email or verbally (in person or by telephone). However, if a complaint cannot be resolved at the frontline, i.e. at the first tier, then it is helpful if the complaint is put in writing.

All complaints in relation to the following matter must be in writing:

Issue	Reason why complaints of this nature are required in writing
<i>Complaints about staff.</i>	<i>To ensure confidentiality of the complaint</i>
<i>Complaints about Council's assessment and regulatory processes</i>	<i>Certain aspects of statutory assessment and regulatory processes may involve court action</i>

Complaints can be made:

In writing

Post to: Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

Fax to: (02) 6799 6888

Email to: council@narrabri.nsw.gov.au.

In person

- Make an appointment to talk to the staff member with whom you have been dealing, or with their Manager; or
- Visit Council's Administration Building at 46-48 Maitland Street, Narrabri between 8.35am and 5.00pm, Monday to Friday.

By telephone

- Call Council's Administration Building on (02) 6799 6866.

Anonymous complaints

Generally, Council will only act on anonymous complaints where there is sufficient information in the complaint to enable an investigation to be conducted.

Time limits

Complaints will be responded to as quickly as possible. An attempt will be made to resolve all complaints within a reasonable time limit. Council will keep complainants informed of progress by telephone, in writing or by interview.

Complaints received in writing (letter, facsimile or email) will be acknowledged either by telephone or in writing within three (3) working days of receipt. In all cases the complainant will be given the name and telephone number of the person who will be dealing with their complaint.

Council delivers a wide range of services, therefore, complaints can range from matters which can be resolved immediately (e.g. By returning a telephone call or offering an apology or providing information) to others which will require an investigation or consideration of more complex issues.

Service Standards

Council will aim to resolve complaints:

- **For urgent matters** – immediately upon receipt. These matters would include a complaint about a safety issue that has been reported previously but has not been responded to.
- **For simple matters** – within 7 working days of receipt. These matters would include requests for readily available information such as estimates of when a decision on an application can be expected, apologies, returning calls and responding to correspondence where Council has not met the relevant service standard.
- **For more complex matters** – investigation within 15 working days. These matters would include complaints about more serious or complex issues such as allegations of corruption, maladministration or competitive neutrality.

Where timeframes cannot be met, the complainant will be advised before the time limit expires and given the reasons for the delay and a revised timeframe for resolution of the complaint/completion of the investigation and like matters.

Processing Complaints

Council Issues

Council is committed to investigating complaints to ensure equitable outcomes for all parties concerned. Complaints regarding the behaviour of Council employees will be referred directly to the appropriate Director or appropriate person in accordance with this policy.

The actioning officer, for the purpose of investigation and management of complaints, shall be the appropriate Manager or Director as it relates to the complaint received.

Contact list for external agencies:

Independent Commission Against Corruption (ICAC) – investigates complaints concerning corrupt conduct – www.icac.nsw.gov.au or phone (02) 8281 5999

Office of Local Government – investigates complaints concerning serious and substantial waste of public monies, pecuniary interests and competitive neutrality - www.olg.nsw.gov.au or phone (02) 9289 4000

Ombudsman New South Wales – investigates complaints concerning maladministration - www.ombo.nsw.gov.au or phone 1800 451 524.

Office of the Australian Information Commissioner – investigates complaints concerning privacy and access to government information – www.oaic.gov.au or phone (free call) 1300 363 992.

Non Council Issues

For matters which are not within Council's jurisdiction the complainant will be informed by the Council Officer of the name, telephone number and any other relevant details of the appropriate organisation (if known).

Complaints handling process – a three-tiered approach

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 and also how to lodge a complaint.

Tier Responsibility

1st – Frontline Complaints Handling

Registration and attempted resolution by frontline staff or referral to an appropriate person or agency to deal with (e.g. Code of conduct issues, protected disclosures, allegations of corrupt conduct). Complainants are encouraged to provide feedback and/or 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 of the complaint.

All staff

2nd – Internal Senior Officer Review

If the complainant remains unsatisfied after speaking to the officer who delivered the service or who dealt with the issue, or if they feel uncomfortable approaching the officer, then they may lodge the complaint with a more senior officer or request that the matter be reviewed by a more senior officer.

The name and contact details of the relevant Manager or Director can be obtained from the Customer Service Officer

Managers & Directors

If the complainant remains unsatisfied with the outcome – or if the complaint is about a Director – the complaint will be submitted to the General Manager. If the complaint is about the General Manager, then the complaint will be submitted to the Mayor or an external agency.

General Manager/Mayor

3rd – External Agency Review

If the complaint cannot be resolved to the customer's satisfaction through Council's internal complaints handling system, the complainant may be referred to an outside agency such as the Ombudsman, the Independent Commission Against Corruption, the Department of Premier and Cabinet (Local External Agency Government), to an alternative dispute resolution procedure, or as a last resort, may be referred to a legal remedy. It should be noted that where, on Council's assessment, the complaint concerns or may concern corrupt conduct, it should be reported to ICAC at the first-tier stage as outlined above.

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

- the complaint is about the staff member's own conduct (these complaints are to be referred directly to a Director).
- the complainant requests it.
- the problem is clearly outside the staff member's delegation or area of expertise.

- a staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct (these complaints are to be referred directly to the General Manager).

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, exactly what they need to do or what the staff member will do to refer the matter and what action the complainant can expect.

Appeal process

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged.

Internal reviews will be conducted as follows:

- the reviewing officer will investigate the manner in which the complaint was originally handled and the remedial action taken.
- if, after investigation, the reviewing officer is satisfied with the process and the remedial action taken, they will inform the complainant accordingly.
- if the reviewing officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, they will:
 - Counsel the officer who initially handled the complaint;
 - Institute action to achieve the appropriate result; and
 - Inform the complainant of the outcome of the review.

In replying to the complainant, the reviewing officer shall explain that, if the complainant is unhappy with the manner in which the complaint has been handled or the result, the complaint will be referred to the next tier up for a further internal review, or an appeal may be lodged with the appropriate external agency.

Remedies

Customers who lodge a complaint will be invited to identify what action they would like Council to take to resolve their complaint.

Remedies may include:

- An apology where Council has made a mistake or where a staff member's comments or behaviour have offended.
- Providing the desired service.
- A speedy refund of overcharged monies.
- Giving the complainant a date when they can expect their request to be actioned or application to be considered.
- Providing more information to the complainant e.g. About Council's policies or decision making processes or providing regular progress updates about an application.

- A commitment to investigate and/or review and change Council's procedures or business practices where a complaint is justified.
- A commitment to review and recommend to Council changes to policies where a complaint is justified.

There may be occasions where Council cannot resolve a complaint to the satisfaction of the complainant. In such cases, Council may initiate a form of alternative dispute resolution procedure (such as mediation) or may refer the complainant to an external agency or legal remedy.

Confidentiality

Confidentiality of complaints, including the identity of the complainant will be maintained where requested and/or in accordance with relevant legislation or policies.

Where possible, complaints of a personal nature will be handled in such a manner to protect the privacy of both the person who is the subject of the complaint and the complainant.

Managing unreasonable conduct by complainants

Some complainants are more challenging than others. This may be because of frustration after having made prior approaches to the council without satisfaction. Some complainants may be distressed, obsessive or even aggressive for any number of reasons connected with their personal circumstances.

This section of the policy/procedures is not intended to apply to complainants who are justifiably or understandably angry or upset because of an error on Council's part (whether real or perceived), or out of frustration with their dealings with the Council. It is intended to apply to complainants who exhibit challenging behaviour.

Unreasonable conduct by complainants, if not appropriately managed, has the potential to pose significant resource management and equity issues for Council.

The following three main types of unreasonable complainant have been identified:

- Unreasonable behaviour and/or unreasonable lack of cooperation (including those that are physically or verbally aggressive, wanting revenge, retribution, wanting what is not possible or appropriate, making unreasonable resource demands, sending rude, confronting or threatening letters).
- Unreasonable persistence and/or unreasonable demands (including those that make substantial and unreasonable demands on the workload and resources of Council, those that show an inability to accept a final decision and despite the fact that a complaint has been comprehensively considered).
- Unreasonable arguments (including vexatious complainants whose aim is to annoy and irritate, insisting on outcomes that are unattainable or beyond Council's power, insisting that a particular solution is the only correct one, interpreting facts in a clearly unreasonable or incorrect way).

However, the mere fact that a complainant is persistent, makes demands or may be angry will not necessarily mean that their conduct is unreasonable in most circumstances. For conduct to be unreasonable, it must go beyond the norm of situational stress that many complainants experience.

Strategies for dealing with unreasonable complainant behaviour will vary depending on the circumstances:

Strategies for dealing with unreasonable persistence are about saying 'no'.

Examples of such strategies may include:

- communicating clearly and transparently.
- following council's policy and procedures strictly.
- maintaining a 'no means no' stance following the internal review process.
- adopting, when appropriate, a firm no further correspondence/contact stances and requiring any variation from this to be authorised at a high level.

Strategies for dealing with unreasonable demands are about setting limits.

Examples of such strategies may include:

- letting complainants know in advance how the Council intends to deal with the complaint.
- avoid being drawn into hysteria, unproductive argument and/or personal attacks.
- restricting contact to defined times and staff members.
- ending telephone calls that are unproductive.
- not doing something for unreasonable complainants that Council would not do for other complainants.

Strategies for dealing with unreasonable lack of cooperation are about setting conditions.

Examples of such strategies may include:

- requiring the complainant to organise or summarise the information they have provided before you look at the complaint.
- requiring complainants to define what their issues are.
- ending Council's involvement in the complaint where it is discovered that the complainant has been wilfully misleading or untruthful in a significant way.

Strategies for dealing with unreasonable arguments are about declining or discontinuing involvement at the earliest opportunity.

Examples of such strategies may include:

- declining the complaint from the outset.
- discontinuing with investigation of the complaint as soon as it becomes clear that the arguments are unreasonable.

Strategies for dealing with unreasonable behaviour are about protocols and staff training for dealing with aggression, anger and threats and setting limits and conditions.

Examples of such strategies may include:

- returning letters framed in rude and intemperate language and request that the complainant reframe their concerns.
- ending telephone calls and interviews where the complainant becomes abusive and confronting.
- setting conditions to encourage acceptable behaviour.

Managing unreasonable complainants also includes:

- managing expectations from the outset.
- adopting a firm and authoritative communication style.
- defining key issues and keeping the focus on them.

For further information on strategies for dealing with unreasonable complainants refer to the NSW Ombudsman's publication – *'Managing Unreasonable Complainant Conduct Practice Manual.'* A copy of the manual is available on the Ombudsman's website at:

<http://www.ombo.nsw.gov.au/publication/PDF/guidelines/>

Adopting, when appropriate, a firm no further correspondence/contact stances:

The General Manager is the only employee within the organisation who is authorised to determine whether to restrict, withhold or withdraw the provision of services to a complainant who is behaving unreasonably. In making any such determination, the General Manager will have regard to the following considerations:

- has the complaints procedure been correctly implemented as far as possible to this point and no material element of the complaint been overlooked or inadequately addressed.
- has the complainant demonstrated one or more of the behaviours the NSW Ombudsman has identified as unreasonable complainant conduct?
- does the behaviour constitute an unreasonable demand on the Council's resources or does the Council have an obligation to protect its staff from that behaviour?
- does the decision recognise that the public have a right of access to Council to seek advice; have a statutory right of access to inspect Council documents and make certain complaints; entitled to seek to raise their concerns with the elected representatives?
- does the decision recognise that nobody, no matter how much time and effort is taken up in responding to his or her complaints or concerns, should be unconditionally deprived of the right to have those concerns addressed?

If the General Manager determines that limitations are to be placed on the nature and scope of Council's response, the complainant will be given prior notice of the grounds on which the limitation is being imposed and the nature of the restrictions being imposed. The person the restrictions are to be placed on will be given an opportunity to respond and Council will consider that response before deciding to limit access.

Recording, monitoring and reporting

As well as allowing Council to take action to deal with individual complaints, complaints data, will help Council to identify areas that need corrective action and will be used to identify where the community's expectations of service levels exceed what the Council can afford to deliver, or what a particular program is designed to provide.

Complaint data is recognised as a useful form of customer satisfaction research. As such, complaint data will be captured, classified and analysed in order to identify and rectify systemic and recurring problems.

All complaints received by Council will be recorded in Council's Electronic Document Management System (Info expert) using one of the 'complaints' categories and staff will be provided with training on how to identify complaints and how to recognise the difference between complaints and customer requests.

Annual reports on number and types of complaints and outcomes will be prepared and may include trend analysis from Info expert when adequate data has been received. Complaints data will be systematically evaluated to determine the various causes of complaints and whether further remedial action is warranted. Aggregated data highlighting systemic complaints may be used to:

- Redesign products and services.
- Change organisational practices and procedures.
- Retrain staff on product and service delivery.
- Reassess customer information needs.

References

- NSW Ombudsman and Department of Premier and Cabinet (Local Government) '*Complaints Management in Councils – Practice Note No 9*' – July 2009.
- NSW Ombudsman's publication – '*Managing Unreasonable Complainant Conduct Practice Manual 2012.*'

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
811/2011	20 December 2011	Adopted
58/2013	5 February 2013	Reviewed
164/2017	15 August 2017	Reviewed