



SHIRE COUNCIL  
**Blayney**

## **Complaints Management Policy**

<b>Policy</b>	2C Complaints Management Policy
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	19/09/2022

**Strategic Policy**

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## **1. Introduction**

Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality, and responsiveness will underpin service delivery. When they believe that their expectations have not been met, the Customer has a right to expect that the Council will deal with their concerns in a professional, respectful and timely manner.

This policy is intended to ensure that Council handles complaints fairly, efficiently and effectively. Council's complaint management system is intended to:

- Enable Council to respond to issues raised by people making complaints in a timely and cost-effective way;
- Boost public confidence in Council's administrative process; and
- Provide information that can be used by Council to deliver quality improvements in Council's services, systems and complaint handling.

This policy provides guidance to Council's staff and people who wish to make a complaint on the key principles and concepts of Council's complaint management system. It provides a framework to ensure complaints received are dealt with courteously, investigated thoroughly, resolved quickly and appropriately, in accordance with the relevant statutory requirements and this policy and procedure.

## **2. Scope**

This policy applies to all staff receiving or managing complaints from the public regarding Council's services.

Code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

## **3. Organisational Commitment**

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The below 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 to 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 analysis of complaint data.</li> </ul>
Public Officer	Establish and manage Council's 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 complaint management system.</li> <li>• Encourage all staff to be alert to complaints and assist those responsible for handling complaints to 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>• Remain 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 Council's complaints management system.</li> <li>• Implement changes arising from individual complaints and from the analysis and evaluation 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 informed and 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>

#### **4. Definitions**

**Complaint** - A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

A complaint covered by this Policy can be distinguished from:

- Public interest disclosures made by Council staff (see 2D Public Interest Disclosures: Internal Reporting Policy);
- Code of conduct complaints (see Council's policies 1B, 1D and 1E on Code of Conduct);
- Responses to requests for feedback about the standard of Council's service provision (see the definition of 'feedback' below);
- Reports of problems or wrongdoing merely intended to bring a problem to Council's notice with no expectation of a response (see definition of 'feedback');
- Service requests (see definition of 'service request' below); and
- Requests for information (see 2G Access to information policy).

**Complaints Management System** - All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

**Dispute** - An unresolved complaint escalated either within or outside of Council.

**Feedback** - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council services or complaint handling where a response is not explicitly or implicitly expected or legally required.

**Service Request** – A service request is likely to include:

- requests for approval;
- requests for action;
- routine enquiries about the Council's business;
- requests for the provision of services and assistance; and
- requests for explanation of policies, procedures and decisions.

**Policy** - A statement of instruction that sets out how Council should fulfil its vision, mission and goals.

**Procedure** - A statement or instruction that sets out how Council 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.

## 5. Guiding Principles

### 5.1. Facilitate Complaints



### 5.2. People Focus

Council staff are committed to seeking and receiving feedback and complaints about Councils facilities, 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:

- Provided with information about Councils complaint handling process.
- Provided with multiple and accessible ways to make complaints.
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.
- Provided with reasons for Councils decision/s and any options for redress or review.

The manager will acknowledge receipt of the complaint, informing the complainant who is managing the complaint and what the process to be followed for handling the complaint is.

### 5.3. No Detriment To People Making Complaints

Council staff 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.

### 5.4. Anonymous Complaints

Council can accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. Where Council reviews a complaint and finds there is insufficient information to investigate, it will be closed with the action officer recording reasons why for audit trail purposes.

In some circumstances Council can deal with anonymous complaints however these can prove difficult where limited information is provided.

### 5.5. Accessibility

Council will ensure that information about how and where complaints may be made about Council is well publicised. Council will ensure that its 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, Council 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 or another organisation).

## **6. Respond To Complaints**

### **6.1. Early Resolution**

Where possible, complaints will be resolved at first contact with the relevant departmental manager. If a complaint is resolved at the first point of contact that manager who received and addressed the complaint is required to make a file note in Council's records management system.

### **6.2. Responsiveness**

Council staff will promptly acknowledge receipt of complaints.

Council staff 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 from Customer Service staff to the appropriate manager.

Council staff 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 actions by Council.
- The progress of the complaint and reasons for any delay.
- Their likely involvement in the process.
- The possible or likely outcome of their complaint.

Council staff will advise people as soon as possible when Council 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).

Council staff will also advise people as soon as possible when Council are unable to meet time frames for responding to their complaint and the reason for the delay.

### **6.3. Objectivity And Fairness**

Council staff will address each complaint with integrity and in an equitable, objective and unbiased manner.

Council staff will ensure that the person handling a complaint is different from the staff member whose service or conduct is the subject of the complaint. Conflicts of interest, 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.

#### 6.4. Responding Flexibly

Council's staff are empowered to resolve complaints promptly and with as little formality as possible. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

### 7. Confidentiality

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

### 8. Managing the Parties to A Complaint

#### 8.1. Complaints Involving Multiple Agencies Or Areas

Where a complaint involves multiple organisations, Council 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 the organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Should a third party need to be contacted to resolve a complaint then the relevant Director should be informed.

Where Council services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of Council staff but also the actions of service providers.

#### 8.2. Empowerment Of Staff

All staff managing complaints are empowered to implement Council's 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 Council's complaint management system.



### 8.3. Managing Unreasonable Conduct By People Making Complaints

Council staff are committed to being accessible and responsive to all people who approach Council with feedback or complaints. At the same time Council's success depends on:

- The health, safety and security of Council staff;
- Our ability to do our work and perform our functions in the most effective and efficient way possible; and
- Our ability to allocate Council resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with Council staff, their conduct can significantly affect the progress and efficiency of Council work. As a result, Council staff will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support staff to do the same in accordance with this policy.

Customer Service staff should escalate any complainant they find is being unreasonable to an appropriate Manager or Director. Customer Service staff will receive training to assist them to manage difficult complainants. Complainants will always be treated respectfully and in a courteous manner.

For further information on managing unreasonable conduct by complainants please see Council's Unreasonable and Unreasonably Persistent Customer policy.

### 8.4. Malicious, Frivolous And Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint.

A decision to take no further action on the complaint will be made by a member of staff at the level of Manager or higher and the complainant will be informed in writing that no evidence was found to support the allegations.

Council management may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints. Where the complaints relate to a member(s) of staff, such legal advice will be made available to the affected staff member(s) on request.

The matter may also be referred to the Public Officer, who will determine whether the complainant should be requested to apologise in writing to the employee or offer a full retraction.

Where the staff member believes that the nature of the complaint has impugned their professional or personal reputation, they must seek their own legal advice at their own expense with respect to any intended actions in seeking damages for defamation.

Where complaints against an individual staff member cause distress to the staff member, the staff member will be supported via the Employee Assistance Program.

#### 8.5. Persistent Complainants

From time to time, 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 Director who will make a recommendation to the General Manager that further correspondence and/or 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). Any action taken shall be in accord with Council's Unreasonable and Unreasonably Persistent Customer policy.

#### 8.6. Difficult Complainants

In cases where a complainant's behaviour is aggressive or threatening e.g. the complainant:

- Is consistently rude or abusive or makes threats to staff or third parties using Council services or on Council premises.
- Causes damage to Council property or threatens physical harm to staff or third parties

Details of the aggressive or threatening behaviour are to be provided to the Director who will make a recommendation to the General Manager that access to the Council be restricted. The General Manager will consider all the facts and issues of each case. Any action taken shall be in accordance with Council's Unreasonable and Unreasonably Persistent Customer policy

All threats of violence will be reported to the NSW Police.

### 9. Complaint Management System



When responding to complaints, staff should act in accordance with Council's 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 five key stages in Council's complaint management system are shown in the above diagram.

## **10. Receipt of Complaints**

### Verbal Complaints

Council staff aim to manage complaints and feedback, including anonymous approaches, when they are received. Face to face and telephone customer complaints will be received by Council's customer service staff in the first instance. When taking such complaints staff will endeavour to record details based on their interpretation of the complaint and the requested outcome sought. To this end the recorded complaint should be repeated to the complainant for endorsement.

### Written Complaints

Written complaints and feedback, whether anonymous or otherwise, received by Council in writing (hardcopy or email or via website) will be assessed by the records staff and appropriately assigned to a Department Manager / Director.

Council will also assign a unique identifier to the complaint file in Council electronic records management system. The Department Manager responsible for the complaint will inform their Director or General Manager that the complaint has been received and is being managed.

It is the responsibility of Managers to keep Directors and the General Manager informed of complaint management occurring at that time.

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 seek.
- Any other relevant information.
- Any additional support the person making a complaint requires.

## **11. Acknowledgement of Complaints**

With the exception of anonymous complaints Council will acknowledge receipt of each complaint promptly, and preferably within fourteen (14) working days. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

## **12. Initial Assessment and Addressing Of Complaints**

### 12.1. Initial Assessment

After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within Council's control. Council 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, Council 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.

## **12.2. Addressing Complaints**

After assessing the complaint, Council staff will consider how to manage it. To manage a complaint Council staff may:

- give the person information or an explanation
- gather information from the person or area that the complaint is about, or
- investigate the claims made in the complaint.

Council staff will keep the person making the complaint up to date on Council's progress particularly if there are any delays. Council will also communicate the outcome of the complaint using the most appropriate medium. Which actions Council decides to take will be tailored to each case and take into account any statutory requirements.

## **13. Providing Reasons for Decisions**

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

- the outcome of the complaint and any action taken;
- the reason/s for Council's decision;
- the remedy or resolution/s that Council 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, Council staff make any adverse findings about a particular individual, consideration will be given to 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 Council's findings with the person making the complaint.

## **14. Closing the Complaint, Record Keeping, Redress and Review**

Council staff will keep comprehensive records about:

- How the complaint was managed.
- 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.
- Any outstanding actions that need to be followed up.

Council staff will ensure that outcomes are properly implemented, monitored and reported to the complaint handling Manager and/or Senior Management.

## **15. Alternative Avenues for Dealing with Complaints**

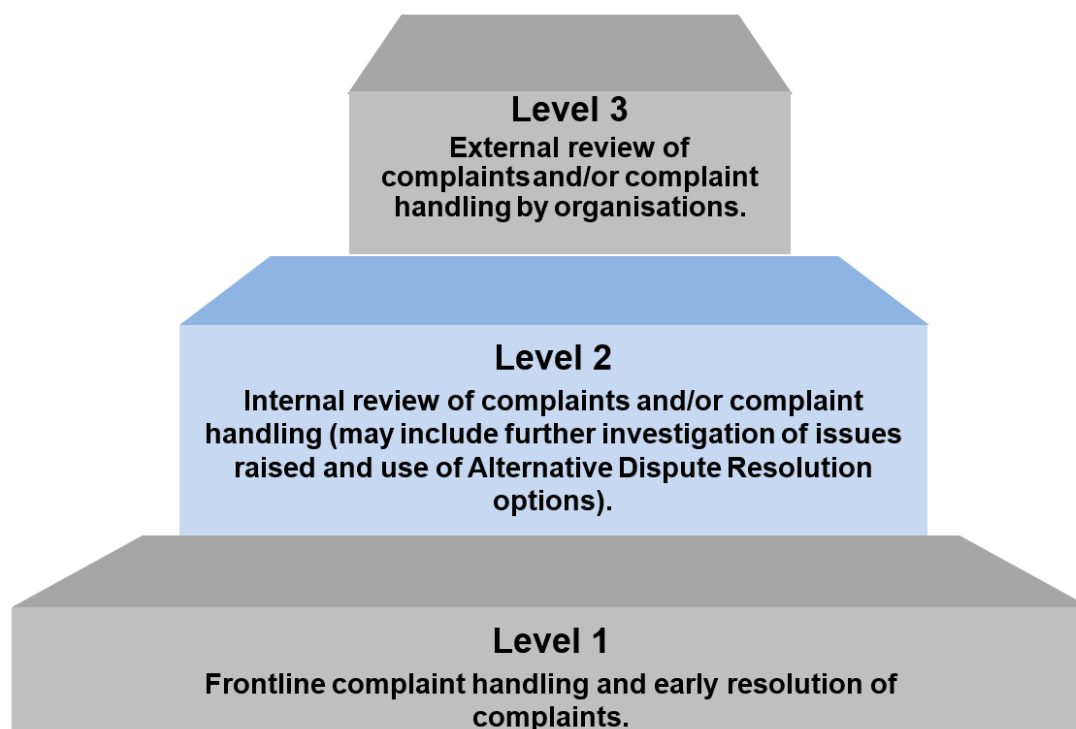
Council staff will inform people who make complaints about the internal review options and also external review options available to them.

Blayney Shire Council will in the first instance manage complaints at the Customer Service or managerial level. This will enable complainants to appeal any dissatisfaction internally to Directors or the General Manager. Dissatisfied complainants are encouraged to appeal internally as their first recourse.

Complainants can also appeal externally. The key agencies for external appeals are:

<p>Investigations &amp; Review Branch Office of Local Government Premier's Department Locked Bag 3015 NOWRA NSW 2541</p> <p>Telephone: (02) 4428 4100 Email: <a href="mailto:olg@olg.gov.nsw.au">olg@olg.gov.nsw.au</a></p>	<p>The Office of the Ombudsman Level 24 580 George Street SYDNEY NSW 2000</p> <p>Telephone: (02) 9286 1000 Toll Free: 1800 451 524 Email: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a></p>
<p>Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2000</p> <p>Telephone: (02) 8281 5999 Toll Fee: 1800 463 909 Email: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a></p>	<p>Information &amp; Privacy Commissioner GPO Box 7011 Sydney NSW 2001</p> <p>Toll Free: 1800 472 679 Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a></p>

## 16. Levels of Complaint Handling



Council 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. Written complaints will be assessed by Records staff and appropriately referred to the relevant Manager. Records staff will be trained to

undertake the initial assessment of complaints so that they are appropriately referred. (Level 1).

Where a person making a complaint is dissatisfied with the outcome of Council's actions they should appeal to the General Manager. (Level 2). The General Manager will ask a Director or the Public Officer to review the complaint, the actions already taken and report back for a response to the complainant.

This level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision(s) already made.
- 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 review of their complaint, they may seek an external review of Council's decision (by the Ombudsman for example). (Level 3).

## **17. Accountability and Learning**

### **17.1. Analysis and Evaluation of Complaints**

Council 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 Council receives for internal and/or external review of Council's complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service and make improvements.

Both reports and their analysis will be provided to Council's General Manager and senior management for review.

### **17.2. Monitoring of the Complaint Management System**

Council will continually monitor Council's complaint management system to:

- ensure 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.

### 17.3. Continuous Improvement

Council are committed to improving the effectiveness and efficiency of its complaint management system. To this end, Council 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 complaints data; and
- implement appropriate system changes arising out of Council's analysis of complaints data and continual monitoring of the system.

#### **End of Policy**

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