

COUNCIL POLICY



Policy name	Complaints Policy
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Abstract
This policy provides the framework for handling complaints received by Gunnedah Shire Councillors and Council Staff.

Dates	Policy or amendment approved 21 Feb 2018 Policy or amendment takes effect 21 Feb 2018 Policy is due for review (up to 4 years) 21 Feb 2022
Endorsed by	Executive Management Team (EMT)
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held 21 February 2018 Resolution number: 10.02/18
Policy Custodian	Manager Communications and Cultural Services
Relevant to	Local community members, visitors, stakeholders, businesses, contractors, Councillors and staff
Superseded Policies	Complaints Policy (Doc No 667398)
Related documents	Internal Reporting Policy Protected Disclosures Act 1994 Policy – Governance – Code of Conduct (Code of Conduct)
Related legislation	Local Government Act 1993 Protected Disclosures Act 1994 Privacy and Personal Information Protection Act 1998 Government Information Public Access Act 2009
File number	1193112

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1. Purpose

Gunnedah Shire Council's complaints policy provides a standardised method of responding to, recording, reporting and using complaints to improve service to the community.

2. Scope

The policy applies to all complaints received by elected Councillors and staff.

3. Definitions

Term	Definition
Complaint	An expression of dissatisfaction about the standard of service, action or lack of action by Council, which can be investigated and acted upon where no right of appeal or review is available under any other legislation.
Types of Complaint	<ol style="list-style-type: none">1. Decisions made by Council; Complaints alleging a decision was beyond the powers of the Council or that it was made without following due process or that a decision was made with insufficient information to make an informed determination.2. The inappropriate behaviour of staff such as rudeness, discrimination or harassment.3. Allegations that the stated standard of service of Council has not been met or was of inferior quality; or4. Dissatisfaction with a decision made by a Council officer.
Customer Request Management System	A system that helps manage the full lifecycle of a customer complaint or request from initiation through to finalisation.
Customer Pulse Check	<p>A brief survey designed to take a snapshot of customer opinions to measure customer satisfaction or gain feedback about new systems and processes they have experienced.</p> <p>From information collected, Council can identify service systems and practices that are working well, identify service gaps, and make targeted, informed service/system/process improvements to enhance customer satisfaction.</p>

What is not a complaint?

Most initial contacts with Council are not complaints and can be dealt with through the Customer Request processes.

The following will NOT be classified as a complaint and will be classed as a customer request:

- a) A request for council services (unless it is a second request, where there was no response to the first request within Council timeframes).
- b) A request for documents, information or explanation of policies or procedures.
- c) A submission relating to the exercise of a regulatory function (e.g. an objection to a development application or a submission on a policy).
- d) A request for the council to exercise a regulatory function (unless it is second request, where there is no response to the first).
- e) The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy (unless this is recorded as a complaint about the council's decision making).
- f) A request for information regarding Council assets or services.
- g) An expression concerning the general direction or the performance of Council or its elected representatives.
- h) Reports of hazards (e.g. fallen trees), damaged or faulty infrastructure (e.g. potholes).
- i) Reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works), or an event, service or business for which council is not responsible.
- j) Negative feedback in a submission or survey, or disagreement with Council's policy, procedure or a lawfully made decision.

Complaints with statutory reporting requirements:

Protected disclosures - The Protected Disclosures Act 1994 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste. GSC's Internal Reporting Policy outlines how protected disclosures are to be dealt with and includes details and definitions of what constitutes corrupt conduct, maladministration and serious and substantial waste.

Complaints concerning Councillors - Complaints concerning Councillors, including allegations of a breach of Council's Code of Conduct, such as a pecuniary conflict of interest, are to be referred to the General Manager. The Code of Conduct outlines how such complaints are to be dealt with.

Privacy complaints - Complaints relating to privacy and breaches of the Privacy and Personal Information Protection Act 1998 are to be referred to the Public Officer who will notify Privacy NSW, the relevant Director and the General Manager.

Competitive Neutrality Complaints - An actual or potential competitor of a Council business may make a complaint if it believes that it is being adversely affected through failure to adopt competitive neutrality - that is, Council is operating with an unfair competitive advantage.

4. Policy principles

Council is committed to the provision of timely, efficient, consistent and quality service which meets our customer's expectations and which is provided by informed, polite and helpful Council staff.

We place great emphasis on the efficient handling of complaints. Our aim at all times is to provide a quality service. We may not be able to provide complete satisfaction but we will always try for the best possible solution.

To achieve this, Council welcomes the submission of complaints and the opportunity to improve our services by responding to customer complaints as efficiently and effectively as possible and with a solution oriented approach.

5. Policy statement

5.1 Council's Responsibilities

At all times we will:

- Treat customers with courtesy, fairness and respect.
- Listen and respond to your requests within service standards.
- Work with you to find solutions.
- Communicate clearly, using plain language.
- Provide you with accurate, relevant and complete information.
- Act on our commitments in a timely manner.
- Value your privacy by treating all personal information confidentially.

5.2 Customer's Responsibilities

We ask our customers to:

- Provide us with accurate and complete details so that we can respond to your enquiry.
- Let us know when your circumstances change.
- Work with us to resolve your concerns or problem.
- Treat Council staff with courtesy and respect.
- Provide feedback to that we can work to improve our services.

5.3 Confidentially in relation to lodging a complaint

Council will not accept anonymous complaints but will respect the complainant's right to privacy and will not disclose their name or any confidential information without their express permission or unless the disclosure is in accordance with Government Information (Public Access) Act 2009 (GIPA).

All complaints received that are protected disclosures which includes an allegation of corrupt conduct, maladministration, and serious and substantial waste that may be subject to the Protected Disclosures Act will remain confidential in accordance with the terms of the Protected Disclosures Act 1994.

5.4 Lodging of Complaints

Complaints may be lodged with Council:

- In person - at the counter or at a prearranged meeting with a relevant Manager;
- By phone; and
- In writing (email via council@infogunnedah.com.au, letter via PO Box 63, Gunnedah NSW 2380, or via Council's website www.gunnedah.nsw.gov.au).

In order to process a complaint, Council requires the name, address and contact phone numbers of the complainant together with sufficient detail of what the complaint relates to.

All complaints received by Council Staff will be recorded immediately into the Customer Request Management System and assigned to the responsible officer and Manager/Director for oversight.

5.5 Complaint Handling Process

GSC has a three tiered complaint management system.

5.5.1 Tier One – Frontline complaints handling

A staff member who receives a complaint of a minor nature should deal with the complaint at the time or refer it immediately to the appropriate staff member (who was responsible for causing the complaint to be made), who may be able to resolve the complaint on the spot.

If the complaint is handled immediately the staff member is still responsible for entering the complaint into the CRMS. This ensures that all complaints are recorded and reported appropriately.

Complaints must automatically be referred by the receiving officer onto their Manager or Director if:

- a) The complaint is about the staff member's own conduct and he/she does not feel confident about dealing with it fairly.
- b) The complainant requests it.
- c) The problem is clearly outside the staff member's delegation or area of expertise.
- d) Complaints must be automatically referred to the General Manager if a staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct.

When a complaint is referred on for one of the above reasons, the complainant is to be advised of the responsible Manager or Director and the procedure to be followed.

5.5.2 Tier Two – Internal review or investigation

Tier Two complaints occur when either:

- The complaint is referred to a Manager or Director in the first instance; or
- The complaint has been investigated and considered closed by an officer and correspondence has been written to this effect. A Manager or Director is then responsible for re-opening the complaint for further investigation.

5.5.3 Tier Three – External review

If the complaint cannot be resolved to the customer's satisfaction through GSC's internal complaints handling system, the complainant will be referred by GSC's Public Officer to an outside agency such as the Ombudsman, the Independent Commission against Corruption or the Department of Local Government.

A customer can at any time make a complaint to an external agency. GSC will however only facilitate such a complaint once the complaint has been processed through GSC's tiered complaints system.

5.6 Complaints register

Staff will record all complaints in GSC's Customer Relationship Management System and the resolution/action taken.

The complaints register will be reviewed by the Manager, Communication and Cultural Services on a monthly basis and reported to EMT.

5.7 Timeframes

All complaints will be acknowledged by staff via email or letter within two working days.

All complaints will be addressed within ten working days of receipt of the complaint, except where further information is waiting to be received. The

relevant Manager is responsible for writing to the complainant advising of the outcome of their complaint.

In the instance where further information is required, then the complainant will be advised of the progress of the complaint within 10 working days and the complaint will be addressed within 20 working days.

5.8 Unreasonable complaints

All unreasonable complaints will be dealt with in accordance with the Managing Unreasonable Complainants Policy.

5.9 Complaints that will not be investigated

The Public Officer may determine that a complaint will not be investigated where the complaint:

- Is considered frivolous, vexatious or not made in good faith or concerns a trivial matter.
- Involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal.
- Relates to a decision by council.
- Relates to matters already under the investigation by the Minister for Local Government, ICAC, the NSW Ombudsman's office, a Minister of the Crown or government department or the NSW Police Force.
- Relates to an appointment or dismissal of any employee or an industrial issue or disciplinary issue.
- Relates to a matter awaiting determination by the Council.
- Relates to the actions or conduct of private individuals not contracted by Council.
- Involves a matter where the complainant declines or refuses to provide further information.
- There are threats made against Council.

Should the Public Officer determine that a complaint will not be investigated; the complainant will be advised of the reason for this decision.

5.10 Learning from complaints

Every complaint is an opportunity to identify how to improve the standard of customer service, delivery of services or policy and procedures. Complaints are an important and useful way of obtaining information that there is an issue, and how a response might be able to improve service delivery and customer satisfaction.

The Manager Communication and Cultural Services will identify learning opportunities from complaints received in order to recommend improvements to service delivery and improve customer satisfaction by:

- Obtaining customer feedback through use of customer surveys and customer pulse checks; and

- monitoring, analysing and reporting on complaints and compliance with this policy.

The Public Officer will review Council's complaint handling processes on an annual basis to ensure that such processes are responsive to complaints and are appropriate in addressing issues underlying complaints received by Council. This review, along with any findings and recommendations, will form the basis of a report to the General Manager.

6. Accountability, roles and responsibilities.

All GSC Staff are responsible for providing excellence in customer service and following Council's policies and procedures.

6.1 Staff

All staff are responsible for ensuring that if they receive a complaint it is registered in the Customer Relationship Manager System and dealt with as required.

Staff are also responsible for ensuring their Manager or Director is informed of complaints that have been received.

6.2 Managers and Supervisors

Are responsible for ensuring staff are conversant and adhere to the complaints policy when receiving a complaint. Managers are responsible for writing to the complainant to advise them of the outcome of their complaint.

6.3 Public Officer

The Public Officer is responsible for ensuring all complaints regarding statutory reporting to external agencies are sent, liaising with other organisations where complaints require external review/advice and determining complaints that will not be investigated.

6.4 Directors

Are responsible for ensuring that complaints are dealt with promptly and with full and due respect to the complainant.

Directors must also ensure that the General Manager is advised of all complaints of a serious nature, and the progress in resolving such complaints.

6.5 General Manager

The General Manager is responsible for Competitive neutrality complaints and is also responsible for forwarding allegations of corrupt conduct to ICAC under S11 of the NSW Independent Commission against Corruption Act 1988.

6.6 Councillors

If a Councillor is advised of a complaint, the Councillor should encourage the customer to formally lodge their concern directly with Council. This can be in person at the Council Chambers, in writing (email to council@infoqunedah.com.au) or via a phone call to Council's Customer Service Team on 02 6740 2100. Councillors must take care not to establish an expectation with the customer regarding an outcome / resolution until there has been a reasonable assessment of the matter by Council staff.

Councillors, as elective representative of their community, may also discuss the matter with the General Manager.

6.7 Policy Custodian

Manager Communication and Cultural Services.

6.8 Responsible Officer/s

Public Officer

7. Acknowledgements

1. Devonport Council Complaints Policy.
2. Wagga Wagga City Council Complaints Policy

8. Version control and change history

Date	Version	Approved by and resolution no.	Amendment
7 Nov 2012	1		No written amendments requested by Managers or Secretaries
4 Dec 2012	2	Council 19 Dec 2012 – Minute 182	Slight amendments made by Manager Customer Service and Communication
21 Dec 2017	3	Draft Policy review circulated to SMG endorsement.	Adjustments to language and approach made to align policy with Council's vision and commitment to customer service delivery community engagement.
13 Feb 2018	3.1	Amended Policy for Council Endorsement.	Minor amendments have been made to the original policy to reflect organisational changes, and in accordance with Council's ongoing commitment to customer service and community engagement. However, clause 6.6 should be noted in relation to Councillors' responsibilities should they receive a complaint with the policy highlighting the appropriate process.
21 Feb 2018	3.2	Council 21 Feb 2018 Resolution 10.02/18	