

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 Policy or amendment takes effect Policy is due for review (up to 4 years)	19 Dec 2012 19 Dec 2012 19 Dec 2013
Endorsed by	MANEX	
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held 19 December 2012 Resolution number: 182	
Policy Custodian	Manager Customer Service and Communication	
Relevant to	Residents of Gunnedah Shire Local Government Area and Councillors and Staff	
Superseded Policies		
Related documents	Internal Reporting Policy Protected Disclosures Act 1994 Policy – Governance – Code of Conduct (Code of Conduct) Complaints Brochure	
Related legislation	Local Government Act 1993 Protected Disclosures Act 1994 Privacy and Person Information Protection Act 1998 Government Information Public Access Act 2009	
File number	667394	

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1. Purpose

Gunnedah Shire Council (GSC) has developed a GSC customer complaints policy ('complaints policy') to formalise councils existing complaint management process.

The purpose of the complaints policy is to establish clear guidelines for handling complaints and to ensure complaints are resolved in an efficient, effective and fair manner.

A sound complaints handling system is an essential part of quality customer service and governance practices. It is fundamental to ensuring an appropriate level of accountability in the exercise of council functions. The system can be used to obtain feedback from the community and gauge its level of satisfaction with GSC's customer service.

2. Scope

The policy applies to all complaints received by elected Councillors and employees of GSC.

3. Definitions

Complaint

A complaint is defined as: An expression of dissatisfaction with GSC's decisions, policies, procedures, charges, employees, agents or the quality of the services it provides.

General Complaints:

- Policies, procedures and processes – this usually relates to dissatisfaction with service charges, policy decisions or an agreed practice covered by 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 meeting an expected standard, or the work or service taking longer than previously specified.

What is not a complaint - In most circumstances the following will not be 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).
- 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 GSC'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 Person 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.

Customer Request Template – An Excel spreadsheet that is used by GSC to enter customer requests and customer complaints.

Customer Request Management System (CRMS) – The combination of GSC’s Customer Request template and GSC's software system (DataWorks) that is utilised to log, assign and track customer complaints.

MANEX – Council’s executive team consisting of the General Manager, the Directors and the Manager Human Resources.

4. Policy principles

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

GSC places 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 customers are encouraged to let their complaints be known to Council and for Council to work toward increasing customer satisfaction and continuously improving our services by responding to customer complaints as efficiently and effectively as possible.

5. Policy statement

5.1 Service Standards

At all times Council aims to:

- treat customers courteously and with respect.
- Deal with customers in a polite and helpful manner.
- Listen to customers and take their views into account.
- Provide customers with necessary and relevant information.
- Treat customers fairly and take account of their particular needs.
- Act on our commitments in a timely manner.
- Value customers’ privacy by treating all personal information confidentially.
- Leave a “visit card” with our name and contact number following a visit to a customer’s residence, if that customer is absent at the time.

5.2 Customers Responsibilities

To make our job easier in providing our services we ask customers to:

- treat Council Officers with respect.
- Respect the privacy, safety and needs of other members of the community.
- Provide accurate and complete details.
- Phone to make an appointment for a complex enquiry or if you need to see a specific Officer.
- Phone the Officer nominated on correspondence sent to the customer and quote the file (reference) number of the letter.

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 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; or**
- **by telephone, facsimile, email or letter.**

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 in either the Customer Request Template and then DataWorks, or entered immediately into DataWorks and assigned to the responsible officer and Manager/Director for oversight. This process is called the Customer Relationship Management System.

5.5 Complaint Handling Process

GSC has 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 dealt with the issue or where appropriate by a more senior person.

In the event of a customer lodging a complaint, the responsible Council staff member must investigate the claim via GSC's records management system Dataworks in order to understand the case history.

As outlined above, all complaints, along with the resolution or action taken, are recorded in GSC's Customer Relationship Manager System. This ensures that the Manager responsible for the area/issue is made aware that there has been a complaint and there is a record of the request and action taken.

The Manager is then responsible for monitoring complaints received in relation to their department and ensuring they are resolved/actioned appropriately in accordance with this complaints policy.

Following the resolution of a complaint at either the Tier One or Tier Two stage (outlined below) the Manager, Director or General Manager is responsible for writing to the complainant to advise that the complaint is considered closed.

5.3.1 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.

5.3.2 Tier Two – Internal review

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.

5.3.3 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.

Note that the Customer can at any time make a complaint to an external agency. GSC will however only facilitate such a complaint once the customer has been 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, Customer Service and Communication on a monthly basis and reported to MANEX.

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

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

Unreasonable complaints are not intended to apply to complainants who are justifiably or understandably angry or upset because of an error by the GSC, whether real or perceived, or out of frustration with their dealings with the GSC. It is intended to apply to complainants who exhibit what is termed as challenging behaviour.

The Public Officer can make recommendations on any unreasonable complainants to the General Manager that further correspondence/telephone contact is to be restricted.

Unreasonable complainant conduct can be any one or a combination of the following categories of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable arguments
- e) Unreasonable behaviours

If the complainant is consistently rude or abusive, or makes threats to staff members or members of the public on Council premises, causes damage to property; is violent or displays a weapon then the GSC will deny access and service.

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, Customer Service and Communication 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
- 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 Officers 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 receives a complaint, they are take the matter on notice and refer matters received or raised to the General Manager or the Director of the appropriate Directorate as soon as possible. Care should be taken not to give a timeframe or method for resolving the problem until there has been a reasonable assessment of the matter by appropriate staff.

6.7 Policy Custodian

Manager Customer Service and Communication

6.8 Responsible Officer/s

Public Officer

7. Acknowledgements

The following acknowledgments are made recognising institutions or documents that have provided a basis, instructive comment or templates that have been used to develop Council's Communication Policy.

1. Devonport Council 'Customer Service Charter'.

8. Version control and change history

Date	Version	Approved by & resolution no.	Amendment
7 November 2012	1		No written amendments requested by Managers or Secretaries
4 December	2	Council 19 December 2012 – Minute 182	Slight amendments made by Manager Customer Service and Communication