

# POLICY STATEMENT

## COMPLAINTS HANDLING

### AUTHORISATION

<b>POLICY TYPE:</b> <i>(Council or Operational)</i>	Council
<b>POLICY LOCATION:</b> <i>(eg. Corporate, Engineering, etc.)</i>	Governance & Risk
<b>RESPONSIBLE OFFICER:</b> <i>(by position title)</i>	Director Corporate & Community Services
<b>AUTHORISED BY:</b> <i>(GM or Director Title)</i>	Manex
<b>DATE ADOPTED:</b>	19 October 2021
<b>ADOPTED BY:</b> <i>(Manex or Council)</i>	Manex
<b>MINUTE NO:</b> <i>(If required)</i>	
<b>REVIEW DUE DATE:</b> <i>(Four years unless statutorily required sooner)</i>	19 October 2025
<b>REVISION NUMBER:</b>	

### DOCUMENT HISTORY

<b>VERSION NO.</b>	<b>DATE</b>	<b>DESCRIPTION OF AMENDMENTS</b> <i>Include names of former policies that this policy will replace if applicable</i>	<b>AMENDED BY</b> <i>(Where required)</i>
4	14.10.2021	Updated format	DCCS
3	18.08.2020		
2	19.04.2016		
1	21.05.2015		
0	18.02.2014		

### REVIEW OF THIS POLICY

This Policy will be reviewed within four (4) years from the date of adoption or as required in the event of legislative changes. The Policy may also be changed as a result of other amendment that are to the advantage that Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution for all policies categorised as “Council” policies or the approval of the General Manager for all policies categorised as “Operational” policies.

## 1. Purpose:

This policy is intended to ensure that Bland Shire Council handle 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 processes; and
- Provide information that can be used by Council to deliver quality improvements in its, services, staff and complaint handling.

## 2. Scope:

This policy applies to all staff receiving or managing complaints from the public made to or about the Council, regarding Council's services, staff and complaint handling.

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms. Please refer to the Policies and Procedures specific to those matters.

## 3. Outcomes:

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.

## 4. Roles and Responsibilities:

This Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	Report publicly on Bland Shire Council's complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly review reports about complaint trends and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. Encourage staff to make recommendations for system improvements. Recognise and reward good complaint handling by staff. Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.

<p>Director Corporate and Community Services</p>	<p>Establish and manage Council's complaint management system</p>	<p>Provide regular reports to General Manager on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with General Manager and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Bland Shire Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people making a complaint, if needed.</p> <p>Comply with this policy and its associated procedures. Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
<p>All staff</p>	<p>Understand and comply with Bland Shire Council's complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Bland Shire Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Bland Shire Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

## 5. Definitions:

### a. Complaint

Expression of dissatisfaction made to or about Council, its services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Policy can be distinguished from:

- Staff grievances [see Grievance and Disputes Policy];
- Public interest disclosures made by staff [see Internal Reporting Policy];
- Code of Conduct complaints [see Code of Conduct];
- Responses to requests for feedback about the standard of 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 Information Guide].

### b. Complaint management system

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

### c. Dispute

An unresolved complaint escalated either within or outside of the organisation.

### d. Feedback

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

### e. Service request

Including:

- Requests for approval
- Requests for action
- Routine inquiries about the organisation's business
- Requests for the provision of services and assistance
- Reports of failure to comply with laws regulated by the organisation
- Requests for explanation of policies, procedures and decisions.

### f. Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem.

### g. Policy

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

### h. Procedure

A statement or instruction that sets out how policies will be implemented and by whom.

### i. 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.

#### **j. Information Guide**

A document that sets out Council's responsibilities and activities in relation to the Government Information (Public Access) Act 2009

#### **k. Unreasonable**

Persisting with a complaint even though it has been comprehensively considered by Council;

- Reframing a complaint so it will be taken up again;
- Showing an inability to accept the final decision;
- Insisting that a particular solution is the correct one in the face of valid contrary or alternative evidence;
- Persisting in interpreting the law or policy in a way that is inconsistent with generally accepted expert views on the issue;
- Demanding a review because it is available, but not arguing a case for a review.

### **6. Legislation and Supporting Documents:**

The development of this policy has been informed by the following (among other publications):

- Australian and New Zealand Standard Guidelines for complaint handling in organisations AS/NZS 10002:2014
- NSW Ombudsman Effective Complaint Handling Guidelines, 2nd Edition, December 2010
- Victorian Ombudsman Councils and Complaints - a good practice guide, February 2015
- Joint publication of the NSW Ombudsman and Department of Local Government Complaints Management in Councils Practice note no. 9, revised July 2009
- Ombudsman Western Australia Guidelines on Complaint Handling, November 2010
- Commonwealth Ombudsman Better Practice Guide to Complaint Handling 1, April 2009
- NESTA Grumbles Gripes and Grievances The Role of Complaints in Transforming Public Services, April 2013
- NSW Ombudsman Managing Unreasonable Complaint Conduct – a Model Policy and Procedure 2012
- Victorian Ombudsman Good Practice Guide, November 2007
- Disability Services Commissioner Victoria Good Practice Guide and Self Audit Tool, 2nd Ed. 2013.

### **7. Relationship to Community Strategic Plan:**

This Policy supports Council's Delivery Program Strategy 12.1 Review Council's customer service charter and monitor Council services to ensure they are provided in a professional, timely and friendly manner and are responsive to community needs.

### **8. Attachments: Recommended Practices**

## Recommended Practices



### 1. Facilitate Complaints:

#### People Focus

Council is committed to seeking and receiving feedback and complaints about its services, systems, practices, procedures and complaint handling.

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

#### Service levels and time limits

##### Urgent requests/complaints:

Initial Response: Response in the manner requested, will be provided, within 24 hours. If the matter is then finalised there is no need for any further action, except to ensure that a completion date and details of action taken are entered as notes against the document on the service request form.

Follow Up: All requests/complaints should be resolved within 10 working days, where possible. If for any reason the matter cannot be resolved, the staff member responsible for this issue must ensure that the person making the request/complaint is informed as to the reasons why. This can be either by phone or in writing.

##### Non urgent requests/complaints:

Initial Response: Records staff or the responsible officer will forward a letter of acknowledgment regarding the complaint in accordance with Council procedures.

Follow Up: Every attempt should be made to resolve the matter within 10 working days. The person making the request/complaint must be informed in writing as to what action has been taken and if for any reason the matter cannot be resolved.

##### Review:

Action Officers: All staff to attend to Service Requests within designated timeframe.

Senior Management: A register of all outstanding service requests/complaints is provided monthly to Managers/Directors.

People making complaints will be:

- Provided with information about Council's 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; and
- Provided with reasons for decision/s and any options for redress or review.

### **No detriment to people making complaints**

Council will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

### **Anonymous complaints**

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

### **Accessibility**

We will ensure that information about how and where complaints may be made to or about Council is well publicised. We will ensure that systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

### **No charge**

Complaining to Council is free.

## **2. Respond to complaints:**

### **Early resolution**

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

### **Responsiveness**

Council will promptly acknowledge receipt of complaints.

Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

Council is 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'
- The progress of the complaint and reasons for any delay'
- Their likely involvement in the process; and
- The possible or likely outcome of their complaint.

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

### **Objectivity and fairness**

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

Council will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

### **Responding flexibly**

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.

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

## **3. Manage the parties to a complaint:**

### **Complaints involving multiple agencies**

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.

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

### **Complaints involving multiple parties**

When similar complaints are made by related parties Council will try to arrange to communicate with a single representative of the group.

### **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 the complaint management system.

### **Managing unreasonable conduct by people making complaints**

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

- Council's ability to do its work and perform its functions in the most effective and efficient way possible;



- The health, safety and security of staff; and
- Council's ability to allocate resources fairly across all the complaints it receives.

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

### **Process for managing unreasonable complaints**

The substance of a complaint will determine the level of resources allocated to it, not the complainant's wishes, demands or behaviour.

When a complainant's actions are determined to be unreasonable, a letter, from the General Manager, informing the complainant that nothing further is going to be done, will be sent accordingly.

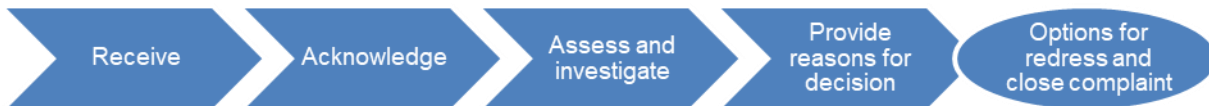
## **4. Complaint management system:**

### **4.1 Introduction**

When responding to complaints, staff should act in accordance with the complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.



### **4.2 Receipt of complaints**

Unless the complaint has been resolved at the outset, Council staff will record the complaint and its supporting information. Staff will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- The contact information of the person making a complaint;
- Issues raised by the person making a complaint and the outcome/s they want;
- Any other relevant information; and
- Any additional support the person making a complaint requires.

### **4.3 Acknowledgement of complaints**

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

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

## 4.4 Initial assessment and addressing of complaints

### Initial assessment

After acknowledging receipt of the complaint, Council staff will confirm whether the issue/s raised in the complaint is/are within Council's control. Staff 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 concern about people's health and safety;
- How the person making the complaint is being affected;
- The risks involved if resolution of the complaint is delayed; and
- Whether a resolution requires the involvement of other organisations.

### Addressing complaints

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

- Give the person making a complaint information or an explanation;
- Gather information from the person or area that the complaint is about; or
- Investigate the claims made in the complaint.

Staff will keep the person making the complaint up to date on our progress, particularly if there are any delays. Staff 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.

## 4.5 Providing reasons for decisions

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

- The outcome of the complaint and any action taken;
- The reason/s for the decision;
- The remedy or resolution/s 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, adverse findings are made about a particular individual, Council will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing the findings with the person making the complaint.

## 4.6 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; and
- Any outstanding actions that need to be followed up.

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

#### 4.7 Alternative avenues for dealing with complaints

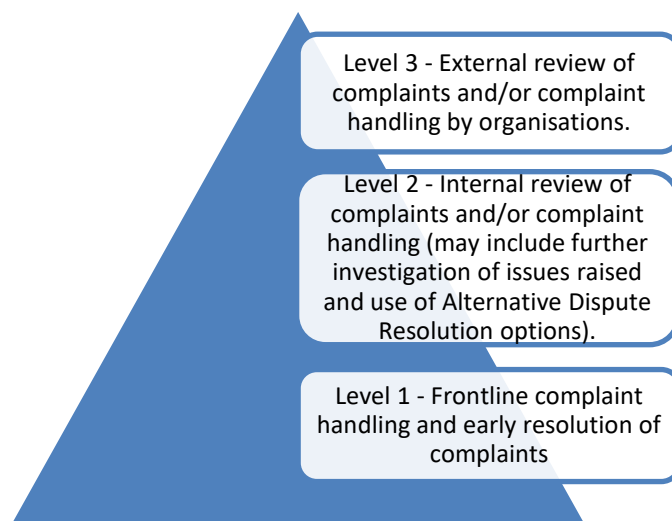
Council will inform people who make complaints to or about the organisation or staff about any internal or external review options available to them (including any relevant Ombudsman or oversight bodies).

Complaints, dependant on their nature, can be referred to the following external agencies for an external review:

AGENCY	MATTER
<p><b>Independent Commission Against Corruption (ICAC)</b></p> <p>Phone: 02 8281 5999</p> <p>Toll free: 1800 463 909</p> <p>National Relay Service 1300 555 727 ask for 02 8281 5999</p> <p>Facsimile: 02 9264 5364</p> <p>Email: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a></p> <p>Web: <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a></p> <p>Address: GPO Box 500, Sydney NSW 2000</p>	<p>Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official.</p>
<p><b>Auditor-General of the NSW Audit Office</b></p> <p>Phone: 02 9275 7100</p> <p>Email: <a href="mailto:mail@audit.nsw.gov.au">mail@audit.nsw.gov.au</a></p> <p>Web: <a href="http://www.audit.nsw.gov.au">www.audit.nsw.gov.au</a></p> <p>Address: GPO Box 12, Sydney NSW 2001</p>	<p>For disclosures about serious and substantial waste</p>
<p><b>Office of Local Government in the Department of Premier and Cabinet</b></p> <p>Phone: 02 4428 4100</p> <p>Facsimile: 02 4428 4199</p> <p>Email: <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a></p> <p>Web: <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a></p> <p>Address: Locked Bag 3015, Nowra, NSW 2541</p>	<p>Matters concerning a serious breakdown in Council's operations, if the Council as a whole is not operating satisfactorily or pecuniary interest matters</p>
<p><b>NSW Ombudsman</b></p> <p>Phone: 02 9286 1000</p> <p>Toll free (outside Sydney metro): 1800 451 524</p> <p>National Relay Service 1300 555 727 ask for 02 9286 1000</p> <p>Facsimile: 02 9283 2911</p> <p>Email: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a></p> <p>Web: <a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a></p> <p>Address: Level 24, 580 George Street, Sydney NSW 2000</p>	<p>Matters concerning maladministration</p>

<p><b>Information &amp; Privacy Commission</b></p> <p>Toll free: 1800 472 679</p> <p>Facsimile: 02 664 9518</p> <p>Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a></p> <p>Web: <a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a></p> <p>Address: GPO Box 7011 Sydney NSW 2001</p>	<p>Breaches of the Government Information (Public Access) Act 2009</p> <p>Breaches of the Privacy and Personal Information Act 1998</p>
<p><b>Anti-Discrimination Board of NSW</b></p> <p>PO Box W213 Parramatta Westfield NSW 2150</p> <p>Phone (02) 9268 5544</p> <p>National Relay Service 1300 555 727 ask for 02 9268 5544</p> <p>Toll free 1800 670 812 (for regional NSW only)</p> <p>Email enquiries: <a href="mailto:adbcontact@justice.nsw.gov.au">adbcontact@justice.nsw.gov.au</a></p> <p>Email complaints: <a href="mailto:complaintsadb@justic.nsw.gov.au">complaintsadb@justic.nsw.gov.au</a></p>	<p>Matters relating to discrimination, disability and harassment</p>
<p><b>Australian Competition &amp; Consumer Commission</b></p> <p>GPO Box 3131 Canberra ACT 2601</p> <p>Ph. (02) 9230 9133</p>	<p>Competitive neutrality complaints</p>

## 4.8 The three levels of complaint handling



Council's aim is to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, Council staff may decide to escalate the complaint to a more senior officer within Bland Shire Council. This second level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision/s already made; and/or
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Bland Shire Council's review of their complaint, they may seek an external review of the decision (by the Ombudsman for example).

## 5. Accountability and learning

### 5.1 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 received for internal and/or external review of 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 Bland Shire Council's General Manager and senior management for review.

## 5.2 Monitoring of the complaint management system

Council will continually monitor its complaint management system to:

- Ensure its effectiveness in responding to and resolving complaints, and
- Identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

## 5.3 Continuous improvement

Council is committed to improving the effectiveness and efficiency of its complaint management system. To this end, it will:

- Support the making and appropriate resolution of complaints;
- Implement best practices in complaint handling;
- Recognise and reward exemplary complaint handling by staff;
- Regularly review the complaints management system and complaint data; and
- Implement appropriate system changes arising out of the analysis of complaints data and continual monitoring of the system.

## 5.4 How to lodge a complaint

Council will respond to complaints whether they are provided in writing (using customer feedback form or in a 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 Council requests the complaint be submitted in writing.

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

- Complaints about staff – to ensure confidentiality and accuracy of the complaint;
- Complaints about Council's assessment and regulatory processes – certain aspects of statutory assessment and regulatory processes may involve court action.

### Complaints can be made to Council:

#### In writing

- The General Manager, Bland Shire Council, PO Box 21, West Wyalong NSW 2671
- Fax (02) 6972 2145
- Email – [council@blandshire.nsw.gov.au](mailto:council@blandshire.nsw.gov.au)

#### In Person

- Speak to a Customer Service Officer at Administrative Building, 2-6 Shire Street, West Wyalong; or
- Make an appointment to speak to the staff member with whom you have been dealing, or with their Manager.

#### By Telephone

- Council Office, West Wyalong on 02 6972 2266

Note: Dependant on the seriousness or complexity of the complaint, the complainant may be requested to submit the complaint in writing with all relevant information.

### Non Council Issues

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