

Title	Complaints Management Policy
Category	Council Policy
Number & Version	SVC-COR-PO-037-01
Owner	People, Culture and Governance
Status	Final
Endorsed by	General Manager upon recommendation by ELT
Approved by	Adopted by Council 22/11/2018
Effective date	22 November 2018
Due date for review	September 2020
Keywords	Complaints from the public about Council

Disclaimer

Please note that this policy may not be current as Snowy Valleys Council (Council) regularly reviews and updates its policies and procedures. The latest controlled version can be found in Council's Records Management System or contact Council's Coordinator Governance and Risk on policy@snowyvalleys.nsw.gov.au for a hard copy of the latest version. A hard copy of this electronic document is uncontrolled.

Where there is a delegation identified in this policy, the reader will need to confirm if an alternative delegation exists in the Delegations Register. To the extent that there is any conflict perceived between the delegation/s identified in this policy and of those contained in the Delegations Register, then the delegation/s in the Delegations Register takes precedence. The General Manager will, if necessary, be the sole arbiter in resolving any issues of conflict.

1 PURPOSE

This policy is intended to ensure that Snowy Valleys Council (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
- enhance public confidence in Council's administrative process
- provide information that can be used by Council to deliver quality improvements in our services, Employees and Complaint handling

2 SCOPE

This policy applies to Complaints made by members of the public and Councillors, as well as volunteers and contractors who are carrying out services on Council's behalf.

Further, this policy applies to all Employees receiving or managing Complaints from the public made to or about Council and/or Councillors.

These following 'matters' are not dealt with under this policy:

- Employee grievances (*Grievance Policy*)
- Code of Conduct complaints (*Code of Conduct*)
- Public interest disclosures made by Employees (*Internal Reporting Policy*)
- Request for Service (unless it is a second request, where there was no response to the first)
- Requests for information
- Reports of damaged or faulty infrastructure
- Reports about neighbours, noise, dogs.

3 DEFINITIONS

Competitive Neutrality - Is based on the concept of the 'level playing field' for all competitors in a market, be they public or private sector competitors. The National Competition Policy requires that 'where councils compete in the market place they should do so on a basis that does not utilise their public position to gain an unfair advantage over a private sector competitor'. Council will comply with this policy at all times. For more information on the National Competition Policy see the National Competition Policy website.

Complainant - Person or organisation making the Complaint.

Complaint – expressions of dissatisfaction made to or about Council, our products, services, Employees or the handling of a Complaint, where a response or resolution is explicitly or implicitly expected or legally required as defined in the Australian and New Zealand Standard Guidelines for Complaint Management in Organisations (AS/NZS 10002:2014),

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

Corruption - For the purposes of this policy, corruption and corrupt conduct will have the same meanings as defined in the Independent Commission Against Corruption Act 1988 (ICAC). Corrupt conduct means any conduct which could affect the honest or impartial exercise of official functions, or may be a breach of trust, or may involve the misuse of any Council information by any Council officer.

Customer - A person offered a service or a product by Council.

Dispute - An unresolved Complaint escalated either within or outside of our organisation.

Employee - refers to a person employed by Snowy Valleys Council (Council) and whose conditions of employment are covered by the Local Government (State) Award 2017 and includes persons employed on a permanent, temporary or casual basis. Employees also include Senior Officers whose conditions of employment are covered by a written agreement or contract with Council.

Feedback - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services, products and/or Complaint handling where a response is not explicitly or implicitly expected or legally required.

Grievance - A clear, formal written statement by an individual Employee about another Employee or a work related problem.

Pecuniary Interest - A situation where a public official has a personal monetary interest in their official duties. For example, a Council Employee making a decision about a development application for their own business.

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.

Request for Service – A request for service includes contact with the council to seek assistance, access to a new service, advice or to inform/make a report about something for which Council has responsibility.

4 CONTENT

Complaints are a valuable resource for Council. Complaints are a Feedback mechanism, providing customer insights that can be used to improve business processes, systems and services. Complaints will also identify and inform Employee development opportunities and ensure that training programs are relevant and targeted. As such, it is imperative that Complaints are documented and reported on appropriately.

Council's *Complaint Management Procedure* provides customers with information about what they can expect when submitting a Complaint to Council.

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

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

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.

4.1 GUIDING PRINCIPLES



STEP 1- Facilitate Complaints

People focus

Council is committed to seeking and receiving Feedback and Complaints about its services, systems, practices, procedures, products 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 our Complaint Management System
- provided with multiple and accessible ways to make Complaints
- listened to, treated with respect by Employees 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.

Anonymous complaints

Council will accept anonymous complaints and will carry out an investigation of the issues raised where there is sufficient information provided. In relation to complaints about staff there needs to be enough information provided to allow procedural fairness to the employee including the right of reply to any allegation or complaint about them.

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.

Accessibility

Council will ensure that information about how and where Complaints may be made to or about us is well publicised. Council will ensure that its systems to manage Complaints are easily understood and accessible, particularly by 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, another organisation).

STEP 2 - Respond to Complaints

Early resolution

Where possible, Complaints will be resolved at first contact with 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 our 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 Council is unable to meet our 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 Employee 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

Employees 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.

STEP 3 - Managing 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 our organisation, responsibility for communicating with the person making the Complaint and/or their representative will also be coordinated.

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 Employees

All Employees managing Complaints are empowered to implement our Complaint Management System as relevant to their role and responsibilities.

Employees are encouraged to provide Feedback on the effectiveness and efficiency of all aspects of our Complaint Management System.

4.2 MANAGING UNREASONABLE CONDUCT BY PEOPLE MAKING COMPLAINTS

Council is committed to being accessible and responsive to all people who approach us with Feedback or Complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our Employees, and
- our ability to allocate our resources fairly across all the Complaints Council receive.

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

Unreasonable Complainant conduct ('UCC') is any behaviour by a current or former Complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and Complainants or the Complainant himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to Complainants by restricting:

- Who they have contact with
- What they can raise with us
- When they can have contact
- Where they can make contact
- How they can make contact

For further information on managing unreasonable conduct by people making Complaints please see the Ombudsman's *Managing Unreasonable Complainant Conduct Model Policy 2012*.

4.3 COMPLAINTS ABOUT CORRUPTION, SERIOUS OR SUBSTANTIAL WASTE, PECUNIARY INTERESTS, COMPETITIVE NEUTRALITY OR CRIMINAL ACTIVITY

Complaints from customers about corruption, serious or substantial waste, pecuniary interests or competitive neutrality (see definitions) should be lodged directly with the General Manager.

The General Manager is obliged to report allegations of corrupt conduct to the Independent Commission Against Corruption and may report other serious allegations to the Police and/or other relevant authority.

If a Complaint involves allegations of criminal behaviour, Council should automatically refer the matter to the Police.

4.4 SAFEGUARDS AGAINST VICTIMISATION & RETRIBUTION

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

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

5 RESPONSIBILITIES /ACCOUNTABILITIES

Employees - Are responsible for ensuring that any Complaint that is made to them is dealt with in accordance with this policy and the *Complaints Management Procedure*.

General Manager - The General Manager has a leadership role in demonstrating a commitment to the effective resolution of Complaints. The General Manager has the responsibility to:

- resolve Complaints where the customer is not satisfied with the Director's/Manager's decision.
- receive Complaints alleging corruption for referral to the Independent Commission Against Corruption.
- deal with Complaints in relation to the conduct of Employees.

6 RELEVANT LEGISLATION

Unreasonable Complainant Conduct Model Policy 2012
National Competition Policy

7 RELATED POLICIES/DOCUMENTS

Code of Conduct SVC-RP-STY-001
Complaint Management Procedure SVC-COR-PR-020
Grievance Procedure SVC-HR-PR-012
Internal Reporting Policy SVC-EXE-PO-039

8 RELATED FORMS

Nil

9 SUPERSEDED POLICY / PROCEDURE NUMBER AND TITLE

Complaints Management Policy TSC-C-PO-042-03 (former Tumbarumba Council policy)

10 REVISION HISTORY

Date	Version Number	Activity log	Resolution Number	Resolution date
28/8/18	1	Adopted by ELT	-	28/8/18
22/11/18	1	Adopted by Council	M316/18	22/11/2018

11 CONTACT OFFICER

Position: Division Manager People, Culture and Governance

Section: Internal Services