

10.9 DRAFT COMPLAINTS MANAGEMENT POLICY - FOR PUBLIC EXHIBITION - ATTACHMENT

1. DRAFT - Complaints Management Policy- SVC-COR-PO-037-02

Attachment 1 - ECM_3331749_v3_20241014-DRAFT-COMPLAINTS MANAGEMENT POLICY-SBC-COR-PO-037-02

Title	Complaints Management Policy
Category	Public
Number & Version	SVC-COR-PO-037-02
Policy Owner	Governance
Approved by	TBA
Effective date	TBA
Due date for review	TBA

1 STRATEGIC PURPOSE

Snowy Valleys Council is committed to providing outstanding customer service to the community. Council recognises the value of an effective complaints' management framework as a vital part of capturing and responding to feedback.

Our complaints management policy is intended to:

- handle complaints, efficiently and effectively
- enable Council to respond to issues raised by customers making complaints in a timely and cost-effective way
- increase public confidence in Council's administrative processes
- outline Council's management of unreasonable complainant conduct; and
- outline the relevant external agencies for referral of serious breaches/complaints and provide information that can be used to deliver quality improvements in our services, staff conduct and complaint handling.

2 POLICY STATEMENT

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 OR PID (Public Interest Disclosure Procedure)
- Request for Service (unless it is a second request, where there was no response to the first)
- Requests for information
- A development application decision (except where the complaint relates to specifically to the way the decision has been administered)
- A request to have an infringement waived
- Feedback – feedback may be provided by customers through any of Council's communications channels.

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 marketplace, 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 always comply with this policy. For more information on the National Competition Policy see the National Competition Policy website.
Complainant	Person or organisation making the Complaint.
Complaint	<p>Complaint - a complaint is an expression of dissatisfaction with the service provided by Council.</p> <p>For example:</p> <ul style="list-style-type: none"> the quality and range of services provided. a Council policy or procedure not being followed; or the conduct of an employee or agent. <p>Council does not regard the following as complaints:</p> <ul style="list-style-type: none"> An initial request for service (service request) such as collection of garbage or repairing a pothole. These should be lodged as requests for service. If Council fails to provide the appropriate service/response, that is reason for a complaint. A request for information or an explanation. A development application decision (except where the complaint relates specifically to the manner in which the decision has been administered); A request to have an infringement waived. Appeals against any previous outcomes of complaints investigations. An objection; or Feedback – feedback may be provided by customers through any of Council's communications channels. - This includes phone, mail, email, social media, forms and in person. Feedback may take the form of a compliment, suggestion, comment or opinion on how Council could improve its services. <p>A complaint is deemed justified where the investigation has shown the complaint to be valid and that it occurred under Council's area of control/responsibility.</p>
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 <i>Independent Commission Against Corruption Act 1988 (ICAC)</i> . 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 2023 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 deciding about a development application for their own business.
Public Interest Disclosure	A report about serious wrongdoing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 2022</i> .
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.
Unreasonable Complainant Conduct	<p>Unreasonable Complainant Conduct - 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 Council staff, other service users and complainants or the complainant himself/herself.</p> <p>Unreasonable Complainant Conduct (UCC) is grouped into five categories of conduct:</p> <ul style="list-style-type: none"> a) Unreasonable persistence - is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on Council staff, services, time and/or resources. b) Unreasonable demands- are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on Council staff, services, time and/or resources. c) Unreasonable lack of cooperation - is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes

	<p>that result in a disproportionate and unreasonable use of Council services, time and/or resources.</p> <p>d) Unreasonable arguments - include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon Council staff, services, time, and/or resources; and</p> <p>e) Unreasonable behaviours - is conduct that is unreasonable in all circumstances, regardless of how stressed, angry or frustrated that a complainant is, because it unreasonably compromises the health, safety and security of Council staff, other service users or the complainant.</p>
--	---

4 CONTENT

Complaints are a valuable resource for Council, as 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.

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.

5 PRINCIPLES



5.1 FACILITATING COMPLAINTS

People focus	<p>Council is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures and complaint handling. Complainants will be:</p> <ul style="list-style-type: none"> • provided with information about our complaint handling process • provided with multiple ways to make complaints • listened to and treated with respect by staff; and • provided with reasons for decisions and any options for redress or review
No detriment to People	<p>Council will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made</p>

making complaints	by them or on their behalf.
Anonymous complaints	Council will accept anonymous complaints if the matter is considered serious and there is sufficient information in the complaint to enable an investigation to be conducted.
Receiving Verbal Complaints	Verbal complaints may be accepted where it is considered minor in nature and may be resolved quickly and to the satisfaction of the complainant. Alternatively, you may be requested to make your complaint in writing.
Accessibility	<p>Council will ensure that information about how complaints may be made to us is well publicised.</p> <p>Council will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.</p> <p>If a person prefers or needs another person or organisation (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation) to assist or represent them in relation to their complaint, we will communicate with them through their representative if this is their wish and this wish has been advised to us by the complainant.</p>
No charge	Making a complaint to Council is free.

5.2 RESPONDING TO COMPLAINTS

Early resolution	Where possible, complaints will be resolved at first contact with Council.
Responsiveness	<p>Complaints will be dealt with promptly. Council will investigate and respond to complaints within 14 days of receipt.</p> <p>Where this is not possible due to the nature or complexity of a matter, a progress update will be provided to the complainant. Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised.</p> <p>If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.</p> <p>Complainants will be informed about:</p> <ul style="list-style-type: none"> • the complaints process • the expected timeframes 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.
Objectivity and fairness	When requested, Council will protect the identity of people making complaints where this is practical and appropriate.
Confidentiality	<p>Council will protect the identity of people making Complaints where this is practical and appropriate.</p> <p>Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy</p>

	provisions and any relevant confidentiality obligations.
--	--

5.3 MANAGE THE PARTIES TO A COMPLAINT

Complaints involving multiple organisations or parts of Council	<p>Where a complaint involves multiple organisations, we will work with the other organisation/s where possible to ensure that communication with the person making a complaint is clear and coordinated.</p> <p>Where a complaint involves multiple areas within Council, responsibility for communicating with the person making the complaint will also be coordinated.</p> <p>Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.</p>
Complaints involving multiple parties	When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.
Empowerment of staff	All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. Staff are encouraged to provide feedback on the effectiveness and efficiency of our complaints management system.
Managing unreasonable conduct by people making complaints	<p>Council is committed to being accessible and responsive to all customers who approach us with feedback or complaints. At the same time our success depends on:</p> <ul style="list-style-type: none"> • 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 staff, and • our ability to allocate our resources fairly across all the complaints we receive. <p>When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of our work.</p> <p>As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support Council staff to do the same in accordance with this complaints' handling framework.</p> <p>This may include:</p> <ul style="list-style-type: none"> • Changing or restricting a complainant's access to our services • Limiting the complainant to a sole contact point • Restricting the subject matter of communications that we will consider • Limiting when and how a complainant can contact us • Limiting face-to face interviews to secure areas • Completely terminating a complainant's access to our services <p>When determining if a complainant's access to our services should be changed or restricted the following will occur:</p>

	<ul style="list-style-type: none"> • Consultation with relevant staff • Consider any applicable criteria about the complainant or the case • Provide a warning letter to the complainant • In extreme cases or reoccurring conduct provide a notification letter • Notify relevant staff about access changes • Continued monitoring of complainants records and behaviour <p>For further information on managing unreasonable conduct by people making Complaints, please see the NSW Ombudsman's <i>Managing Unreasonable Complainant Conduct Model Policy 2012</i>.</p>
--	---

6 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 NSW 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.

7 COMPLAINTS THAT WILL NOT BE INVESTIGATED

The General Manager may determine that a complaint will not be investigated where those complaints:

- 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 the complaint uses the remedy or right of appeal.
- Relates to a decision of Council.
- Relates to conduct before a court, coroner or tribunal.
- Relates to matters under investigation by the Office of Local government, ICAC, the NSW Ombudsman office, a Minister of the Crown or government department or the NSW Police Force.
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue.
- Relates to a decision, recommendation, act or omission which is more than one year old. Unless there is significant circumstances and evidence to support the complaint.
- Relates to a matter awaiting determination by the Council.

8 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.

9 RESPONSIBILITIES /ACCOUNTABILITIES

General Manager	<p>The General Manager has a leadership role in demonstrating a commitment to the effective resolution of Complaints. The General Manager has the responsibility to:</p> <ul style="list-style-type: none"> • resolve Complaints where the customer is not satisfied with the Director's/Manager's decision. • receive Complaints alleging corruption for referral to the NSW Independent Commission Against Corruption. • deal with Complaints in relation to the conduct of Employees.
Employees	<p>Are responsible for ensuring that any Complaint that is made to them is dealt with in accordance with this Policy and the <i>Complaints Management Procedure</i>.</p>

10 ASSOCIATED LEGISLATION

Managing Unreasonable Complainant Conduct Model Policy 2022
 Local Govt (State) Award of 2023
 Independent Commission Against Corruption Act 1998
 National Competition Policy
 Ombudsman NSW 1974 Act
 Australian and New Zealand Standard Guidelines for Complaint Management in Organisations (AS/NZS 10002:2014),

11 ASSOICATED COUNCIL DOCUMENTS

Code of Conduct SVC-RP-STY-001
 Complaint Management Procedure SVC-COR-PR-020
 Grievance Resolution Policy SVC-HR-PO-133
 Public Interest Disclosure Policy SVC-EXE-PO-049
 Public Interest Disclosure Procedure SVC-EXE-PR-103-01

12 REVISION HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution number
	SUPERSEDED	Complaints Management Policy TSC-C-PO-042-03 (former Tumbarumba Council Policy)	TSC-C-PO-042-03		
28/8/18	Adopted by ELT	Complaints Management Policy	SVC-COR-PO-037-01	-	28/8/18
22/11/18	1	Complaints Management Policy SVC-COR-PO-037-02	SVC-COR-PO-037-01	M316/18	22/11/2018
TBA	2	TBA	SVC-COR-PO-037-02	TBA	TBA