

COMPLAINT MANAGEMENT POLICY

POLICY OBJECTIVE

Wentworth Shire Council (Council) is committed to delivering quality customer service and communicating effectively with the community. An effective complaints management system is an essential part of the provision of quality customer service and is also a key component of sound corporate governance ensuring that there is an appropriate level of accountability in the exercise of Council functions.

1. POLICY STATEMENT

The intent of this policy is to ensure that Council establishes a complaints management system that handles feedback and complaints effectively and provides an efficient, fair and accessible mechanism for resolving complaints.

A complaint management system is an organised way of responding to, recording and reporting complaints, as well as using complaints to improve service to Council's customers.

Council aims to:

- Recognise the customer's right to raise concerns about their dealings with Council;
- Provide clear definitions of what constitutes a complaint;
- Establish a user-friendly procedure for lodging complaints with Council;
- Provide an efficient, fair and accessible mechanism for resolving complaints;
- Inform the community and customers about the process used to handle complaints;
- Establish the remedies that are available to resolve complaints; and
- Establish performance standards for the management of complaints to ensure that complaints are dealt with professionally, within specified timeframes and using appropriate feedback mechanisms to ensure that complainants are kept informed.

Council regards all complaints with the utmost seriousness and will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by the complainant.

2. POLICY COVERAGE

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

Staff Grievances, Code of Conduct complaints and Public Interest Disclosures are dealt with through separate mechanisms.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Complaint	An expression of dissatisfaction with Council's decisions, policies, procedures, charges, employees, or the quality of the services it provides.

COMPLAINT MANAGEMENT POLICY

Complainant	Any person wishing to provide feedback about Council’s services which expresses dissatisfaction with a decision, level or quality of service, failure to adhere to a policy, procedure, or behaviour of an employee, Councillor or agent, which can be investigated and acted upon.
Council	Council of the Shire of Wentworth
Dispute	An unresolved complaint escalated either within or outside of Council.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about Council’s services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Grievance	A clear, formal statement by an individual Council staff member about another staff member or a work-related problem.

5. POLICY CONTENT

This policy is intended to ensure Council handles complaints fairly, efficiently and effectively.

Defining a Complaint

For the purposes of this policy, a complaint is defined as an expression of dissatisfaction with Council’s decisions, policies, procedures, charges, employees, or the quality of the services it provides.

On its own, a request for a Council service or the exercise by Council of its regulatory functions is not a complaint about Council. Accordingly, Council’s definition of what constitutes a complaint should not be so broad as to include such requests.

For the purposes of this policy, the following are not to be registered as a complaint:

- a request for Council services (unless it is a second request, where there was no response to the first);
- a request for documents, information or explanation of policies or procedures;
- a request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first);
- 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 Council’s decision-making); or
- a submission relating to the exercise of a regulatory function (e.g. an objection to a development application or a submission on a policy).

Who is a complainant?

A complainant is any person wishing to provide feedback about Council’s services which expresses dissatisfaction with a decision, level or quality of service, failure to adhere to a policy, procedure, or behaviour of an employee, Councillor or agent, which can be investigated and acted upon.

What is a Code of Conduct complaint?

COMPLAINT MANAGEMENT POLICY

All Councillors, staff or delegates of Council are subject to Council's Code of Conduct. If a complaint has been made to Council that alleges conduct that, if proven, would represent a breach of the Code of Conduct, the complaint will be dealt with in accordance with the Procedures for Administration of Council's Code of Conduct, regardless of whether or not the complainant has requested that the complaint be dealt with under the Code of Conduct.

What is a Public Interest Disclosure (PID) complaint?

The Public Interest Disclosures Act 1994 (PID) sets in place a system to encourage public officials to report serious wrong doing. The PID Act requires public authorities to have an internal reporting policy and procedures in place for receiving, assessing and dealing with public interest disclosures. Public Officials who wish to lodge a complaint under the PID Act must declare that they are doing so when lodging the complaint.

Council's Complaint Management Framework

Council's complaint management system provides at least three tiers of review.

First Tier – Standard Complaints (Frontline complaint handling)

Registration and attempted resolution by frontline staff or referral to an appropriate person or agency to deal with (e.g. Code of Conduct issues, protected disclosures, allegations of corrupt conduct).

Second Tier – Complex Complaints (Internal review, alternative dispute resolution and investigation)

If a complainant is still dissatisfied, his or her complaint is reviewed or investigated by an identified complaints officer or simply by someone who is more senior, and the results of the review should be reported to the complainant.

If the complainant remains dissatisfied, further consideration should be given to options that may be available to achieve a settlement. This may include conciliation, mediation, or further direct negotiations over remedying the grievance.

Third Tier – Unresolved Complaints (External review)

If the complaint cannot be resolved within Council, the complainant is referred to an outside agency such as the NSW Ombudsman, the Office of Local Government or to some alternative dispute resolution procedure or, as a last resort, any legal remedy. It should be noted that where, on Council's assessment, the complaint concerns or may concern corrupt conduct, it should be reported to the Independent Commission Against Corruption (ICAC) at the first-tier stage as outlined above.

How will complaints be handled

Essentially, there are 4 steps to the complaints handling process.








All Complaints will be dealt with expeditiously

- The Council Officer who is responsible for the investigation will initially make contact with the complainant by phone, usually within five (5) business days of receipt of the complaint.

COMPLAINT MANAGEMENT POLICY

- All complaints will be acknowledged in writing within ten (10) business days of receipt. The acknowledgment letter will provide the details of the Council Officer who will be investigating the complaint and who will liaise with the complainant.
- All complaints will undergo a preliminary investigation and the complainant will be informed of the result of the preliminary investigation within 20 business days from the date of receipt.
- Where the complaint is not able to be resolved within this timeframe the complainant will be advised (in writing) of the intended course of action.

	5 Days	Complaints are acknowledged by phone within 5 days of receipt of the complaint. Complainant advised who their contact person is.
	10 Days	Formal acknowledgment occurs within 10 days of receipt of the complaint, and confirmed by contact person.
	15 Days	Complainants are consulted by phone within 15 days of receipts of the complaint, and involved in the decision-making process.
	20 Days	Complainants are notified in writing of a resolution or continuing process within 20 days from the date of receipt of the complaint.
	30 Days	A review of the handling of a complaint must be made within 30 days of being informed of the decision.

All complaints will be recorded

All complaints will be recorded in Council's electronic document management system (EDMS). Where a complaint is received verbally (either over the phone or at the counter), the staff member who receives the verbal complaint will be responsible for entering the details into the EDMS.

Anonymous Complaints

Complaints are often made by an anonymous complainant. Council will review anonymous complaints; however, it can be very difficult to resolve complaints of this nature, or to enforce legislation, without the ability to thoroughly investigate and gather evidence and additional information.

Action is taken on anonymous complaints as far as it is possible to do so without being able to consult with the complainant. If there is sufficient information in the complaint, a review of the complaint will be conducted.

Confidentiality

COMPLAINT MANAGEMENT POLICY

Confidentiality is of paramount importance. All complaints are dealt with confidentially, with information released only to those parties deemed absolutely necessary in the complaint process.

- As an additional confidentiality measure, documentation relating to Second-Tier complaints are placed in an EDMS container with restricted access.
- In order to fully investigate a complaint, the person against who a complaint has been made has a right to know the details of the complaint. The identity of the complainant will be kept confidential.
- In lodging a complaint, the complainant acknowledges and agrees to the release of information deemed relevant to the organisation.

Empowerment of Staff

All Council staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Council staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

Customers to have input in remedies

As a part of the complaint management system, customers will be asked to identify what action they would like Council to take to resolve their complaint. Remedies may include:

- An apology where Council has made a mistake, or where a staff member's comments or behaviour may have offended;
- Providing the desired service;
- A refund of any overcharged or incorrectly charged monies; or
- A commitment to investigate and/or review Council procedures or practices where a complaint is justified.

Managing unreasonable conduct

The General Manager shall have discretionary power when dealing with the following types of unreasonable complaints:

- complaints that are deemed to be trivial, frivolous, vexatious, or not made in good faith;
- complaints where the complainant is violent, abusive or aggressive towards staff (or where there are threats of violence); or
- unreasonable complainant conduct where the nature or frequency of complaints raises substantial health, safety, resource or equity issues for Council, its staff, other service users or the complainant themselves.

In each of these circumstances, the General Manager has the discretion to:

- refuse to deal with the matter;
- nominate alternate dispute resolution processes;
- change or restrict a complainant's access to Council services;
- limit the complainant to a sole contact point;
- restrict the subject matter of communications that Council will consider;
- limit when and how a complainant may make contact;
- nominate a representative to handle contact on Council's behalf; or
- completely terminate a complainant's right to access Council's services.

COMPLAINT MANAGEMENT POLICY

Except in extreme cases of overt aggression, violent assault or other unlawful or unacceptable conduct, the General Manager will provide to the complainant written advice about the conduct in the first instance. In extreme cases, or if the complainant's conduct continues after they have been given a written warning, a notification letter immediately restricting the complainant's access to our services will be sent.

The right of review

Council is committed to improving our service to the public and welcomes all feedback. Where a complainant is unhappy with the outcome of a complaint the complainant can request a review of the case. All requests for a review of a decision must be made within 30 days of being advised of the outcome.

- In order for us to conduct a review the complainant must tell us how we have reached the wrong decision or provide us with new and important information that is relevant to the decision made.
- If we agree to review our decision, the request is assigned to a staff member who was not involved in handling the complaint.
- Council will only review a decision once.
- A review is not a reinvestigation of a complaint. We will be looking at whether the processes followed by our staff were fair and adequate, and whether the conclusions reached were reasonable based on the information available to us and properly explained.
- Where we have reviewed the decision and the complainant is still not satisfied, they will be advised to make contact with the NSW Ombudsman.

Complaint statistics will be reported to Council

By 31 December each year Council is to be provided with a statistical report only about the number of complaints received and the outcome of the complaints. The report will follow the guidelines outlined by the Office of Local Government.

Continuous improvement

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

- support the making and appropriate resolution of complaints;
- implement best practices in complaint handling;
- recognise and acknowledge exemplary complaint handling by staff;
- regularly review the complaints management system and complaint data; and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

How to lodge a complaint

A complaint can be made via any one of the following means:

- **Email** to council@wentworth.nsw.gov.au
- **Mail** to Wentworth Shire Council, P.O. Box 81 Wentworth NSW 2648
- **In Person** at 26-28 Adelaide Street, Wentworth or Midway Service Centre, 6 Midway Drive Buronga
- **via Telephone** (03) 5027 5027
- **via the Website** at www.wentworth.nsw.gov.au

COMPLAINT MANAGEMENT POLICY

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act (NSW) 1993*
- *Local Government (General) Regulation 2021*
- *Independent Commission Against Corruption Act (NSW) 1998*
- *Ombudsman Act (NSW) 1974*
- *Anti-Discrimination Act (NSW) 1987*
- *NSW Government Information (Public Access) Act (NSW) 2009*
- *Privacy and Personal Information Protection Act (NSW) 1998*
- *Health Records and Information Privacy Act (NSW) 2002*
- *Public Interest Disclosure Act (NSW) 1994*

Council Policies

- GOV004 – Internal Reporting Policy
- GOV009 – Delegation Policy
- GOV019 – Statement of Business Ethics Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy

Council Documents

- Legislative Compliance Framework
- Governance Framework
- Internal Reporting Procedure
- Records & Information Management Policy (Operational)
- Complaints Management Framework

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 16 February 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:



17 February 2022

General Manager Wentworth Shire Council

Date

