

**POLICY NO**

**C 1:22**

POLICY TITLE: **COMPLAINTS/ACTION REQUESTS POLICY**

VERSION I: Adopted 21 February 2006

Last reviewed:

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**POLICY OBJECTIVE:**

To demonstrate Council's commitment to an effective complaint and action request handling system, which:

- helps to resolve customer dissatisfaction
- increases satisfaction and reduces complaints/requests in the future
- provides Council with the opportunity to improve customer services
- assists decisions regarding particular instances of dissatisfaction
- assists Council in its strategic planning.

**DEFINITION**

*Complaint:* An expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

*Public Officer:* The Public Officer is a member of Council's senior staff, appointed under the Local Government Act 1993. The functions of the Public Officer include provision of assistance to the public in accessing Council documents, representation of Council in legal and other matters, receipt of submissions made to Council and to assist with requests from the public regarding Council's affairs.

*Action Request:* A request for the provision of a Council service.

For the purposes of this policy, complaint/action requests will be referred to as requests.

**POLICY**

**1. Receiving Complaints/Requests**

Council welcomes requests as a way of providing and improving services to the community.

All staff are prepared and will be trained to receive requests whether presented in person, in writing or by telephone. They will listen courteously, record faithfully and initiate appropriate action in accordance with Council's requests handling procedures.

All requests will be recorded and examined so that action can be taken to avoid the problem occurring again and ensure the service that is provided meets local community needs.

If unable to resolve the request, or provide the service, then the customer will be advised of this as soon as possible, together with any other options which may be pursued in order to obtain the customer service desired.

## **2. Making a Request or Complaint**

Members of the public can make a request or complaint by the methods outlined below:

**By Telephone:** 02 4995 7777

**By Email:** [shirecouncil@dungog.nsw.gov.au](mailto:shirecouncil@dungog.nsw.gov.au)

**By Letter:** Address all correspondence to:

General Manager  
Dungog Shire Council  
PO Box 95  
DUNGOG NSW 2420

**In Person:** Visit the Council Office:

198 Dowling Street  
DUNGOG NSW 2420

## **3. Review of Complaints/Action Requests**

Council will handle complaints and action requests using the following staged approach:

### **1st Stage - FRONT LINE REQUEST HANDLING**

- \* staff empowered with clear delegations to resolve requests wherever possible at first contact
- \* staff log request details for later analysis

### **2nd Stage - INTERNAL REVIEW OR INVESTIGATION**

- \* more senior staff or designated officer reviews/investigates unresolved requests

### **3rd Stage - INDEPENDENT REVIEW**

- \* If a complainant remains dissatisfied following a 2<sup>nd</sup> Stage review, the complainant can complain to the NSW Ombudsman, the ICAC or the Department of Local Government.

Information concerning these external authorities is detailed on the Information Appendix Page.

#### 4. Special Cases

Council has provisions for investigating and reporting on, or otherwise dealing with, certain special types of complaints including:

- complaints about breaches of Councils Code of Conduct
- complaints about conflict of interest issues
- complaints about breaches of pecuniary interest provisions of the Local Government Act
- protected disclosures, and
- complaints or information giving rise to a suspicion on reasonable grounds of corrupt conduct and thereby notifiable to the ICAC.

In all these instances all staff must report such allegations to the General Manager (or Mayor in the event of the complaint being about the General Manager)

#### 5. Procedures

This policy will be supported by a series of procedures which will set out specific action to be followed in the various processes involved in dealing with requests.

#### 6. Control and Management

##### *(a) Requests Handling System*

Council's Senior Management Team, known as "Manex" will be responsible for establishing a requests handling system and monitoring the effectiveness of the system.

##### *(b) Requests Resolution*

Requests will be handled at appropriate levels of the organisation, depending on the nature of the request. The three-staged approach detailed in 3 above identifies responsibility for dealing with various stages of requests.

#### **Dealing with privacy issues:**

Staff may be involved to some degree in receiving complaints from one member of the community against another - generally a neighbour. In investigating such complaints, the staff member is invariably asked the name of the complainant.

**Council policy is that staff are not required to, and in fact, have no right to, disclose the name or source of a complaint. This policy is to be strictly followed by all staff members.**

Anyone who complains about this policy is to be told that the policy has been determined to meet the requirements of the Privacy and Personal Information Protection Act and to protect the interests of the complainant.

#### 7. Anonymous complaints

Anonymous complaints will be accepted, **however the requestor is to be advised that if the name and address of the requestor is not supplied,**

**Council may not be able to investigate or verify details and therefore, the request may not be dealt with.**

**REFERENCES**

- “Complaints Management in Councils” - Department of Local Government Practice Note No 9, August 1994
- “Effective Complaint Handling Guidelines” - NSW Ombudsman Booklet
- “Understanding Complaint Management” - NSW Ombudsman
- AS 4269 - 1995 Australian Standard, Complaints Handling 1995, Standards Australia

<b>Date Policy Adopted</b>	<b>Minute No</b>	<b>Authority</b>
21 February 2006	32904	Council Resolution

## **INFORMATION APPENDIX**

### **OTHER AUTHORITIES DEALING WITH COMPLAINTS**

#### *NSW Ombudsman*

- Investigates complaints about the conduct of State public authorities, including State Government Departments, Local Councils and the Police Service, and their employees.
- Reviews freedom of information requests. Complaints should be made in writing. Before making a formal complaint, please call an enquiry officer on the number below for advice.
- Has discretion on how to deal with complaints and does not always exercise the power to investigate particular complaints fully or at all.
- Will not normally investigate complaints which can and should be resolved by a Council under this policy.
- Will always consider for investigation complaints which cannot be resolved, as well as a failure by a public authority to deal satisfactorily with a complaint.

The Office of the Ombudsman  
Level 3  
Coopers & Lybrand Building  
80 George Street  
SYDNEY NSW 2000  
DX 1041 SYDNEY

Telephone: (02) 9286-1000  
Toll-Free: 1800-451-524

#### *Department of Local Government & Co-Operatives*

- Receives complaints concerning the conduct and management of Councils
- Preliminary enquires are conducted to assess whether formal investigations are required. Only a small proportion result in investigations.
- Encourages complainants to resolve issues with the Council concerned. Where issues remain unresolved, the Department will review the matter including the Council's handling of the complaint.
- Complaints Alleging Pecuniary Interest

\* A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another with whom the person is associated.

- \* Chapter 14 of the Local Government Act requires that “pecuniary interests of Councillors, Council delegates and other persons involved in decision or giving advice in Council matters be publicly recorded and requires Councillors and staff to refrain from taking part in decisions on Council matters in which they have a pecuniary interest” (introduction to Chapter 14, see also s.441-459).
- \* The Director-General of the Department of Local Government and Co-Operatives, through the Department’s Investigations and Review Branch, is responsible for assessing and investigating pecuniary interest complaints. When dealing with these matters, the Investigation and Review Branch should be contacted for advice on how to proceed:

Investigations and Review Branch  
 Department of Local Government & Co-Operatives  
 Locked Bag 3015  
 NOWRA NSW 2541

Telephone: (02) 4428-4100  
 Fax: (02) 4428-4199

*Independent Commission Against Corruption (ICAC)*

The Independent Commission Against Corruption Act 1988 defines corrupt conduct as dishonest or partial exercise of an official function by a public official. It must involve:

- \* a criminal offence under NSW law or any other law which could apply in the particular circumstances; or
- \* a disciplinary offence which would lead to disciplinary action under any law, including regulations; or
- \* reasonable grounds to dismiss or terminate the services of the official.

The Act requires Council’s General Manager (the principal officer) to report suspected cases of corrupt conduct to ICAC.

Dungog Shire Council has adopted an Internal Reporting System under the Protected Disclosures Act to enable corrupt conduct to be reported to the General Manager. Such mechanisms for internal reporting are necessary for preliminary investigation and development of corruption prevention measures.

As soon as reasonable suspicion that corrupt conduct is or may be involved, a report must be made to ICAC. Reporting of these matters to ICAC should not delay reporting to the Police or other authorities.

ICAC  
 GPO Box 500  
 SYDNEY NSW 2001

Toll Free: 1800-463-909

## PROCEDURES FOR HANDLING COMPLAINTS

### 1. First Level Complaint Handling - Front Line

Complaints at the first level should always be handled by front line staff.

The Action Request Form is an integral part of the complaint handling system at this level. However, **the form should only be marked as a complaint when:**

- the customer's enquiry is genuinely a complaint - ie "an expression of dissatisfaction which requires a response" not a simple action request, request for information etc; **and**
- the problem cannot be solved immediately ie within 10 minutes; **or**
- the customer has made this request before and has not had it satisfied; **or**
- a number of complaints about the same issue have occurred - a pattern is beginning to form.

The Council Action Request Form will be modified to accommodate all of Council's Departments activities, and to allow the member of staff to indicate whether the request is a complaint as described above.

When the complaint is via the phone or across the counter the procedure is as follows:

- Listen carefully and courteously. (Some more skills needed for receiving and interpreting complaints will be outlined in a later document).
- Be sure that what is being described is a complaint.
- If it is a complaint, record the details on the Action Request Form marking it as a complaint.
- Check back with the customer that your understanding and record are correct by summarising or re-stating it to them.
- Decide on the appropriate course to adopt (including a timeframe) and tell the customer what this is.
- If you can resolve the problem, and it is within your delegation, do so.
- If another person can deal with the matter simply, let the customer know who will be handling it and how they can be contacted.
- Log the complaint and action taken for later analysis.
- If you have to refer the complainant to your supervisor or another person, fully brief them before you pass the complainant on.

- If a complaint has been passed on to you for handling, ensure that subsequent action on the matter is immediately logged on the Action Request Database.

When the complaint is in writing, the procedure is as follows:

- Thoroughly understand the complaint - contact the complainant if clarification is necessary.
- Respond in writing including:
  - a re-statement or summary of the problem.
  - the intended course of action, with timeframe.
  - who will be dealing with the matter and how they can be contacted.
- Ensure that necessary follow up action is taken utilising Council's Records Management Resubmission System. If a delay occurs (ie over 2 weeks) inform the customer of what is happening by phone or in writing.
- Log the complaint and action taken for later analysis.
- If action is outside your delegation refer the letter to your supervisor.
- Complaints should be automatically referred on by counter and front line staff to a senior officer when:
  - The problem is outside their delegation.
  - The complaint is serious ie involving personal injury, breach of the law or significant financial implications.
  - The complaint requires detailed knowledge of the Council's operations and procedures.
  - A staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct.

Remedies:

At this level the outcome for the customer should be that they are put in the position they would have been in if things had not gone wrong. This may simply mean providing the desired service. Council should also use the information at this level to review and improve Council policies, procedures or services.



## 2. Second Level Complaint Handling - Review, Conciliation, Investigation

There are three types of second tier complaint handling:

### a. Senior Officer Review

The majority of complaints should be able to be resolved by front line staff. In some matters, however, complainants will not be satisfied unless their problem has been dealt with by a more senior officer.

In these cases review by a senior officer is appropriate. The review involves the officer reconsidering the original decision and taking corrective action where appropriate. The basic procedures for front line and counter complaint handling apply equally to these cases.

### b. Complaints About Personnel

Complaints about personnel must be made in writing. Complaints about personnel, especially rudeness or other improper conduct complaints, are often more conducive to semi-formal conciliations. This involves a senior officer having a face to face meeting with a complainant, hearing them out, offering of formal apology on the part of the organisation if appropriate, and undertaking corrective action. The aim is principally to prevent the complaint from escalating into a larger and more time consuming dispute.

Conciliation is **not** appropriate when:

- the complaint is complex,
- the facts are likely to be in dispute and an investigation may be needed;
- disciplinary action is a strong possible outcome;
- the conciliator cannot provide the outcome demand by the complainant; and
- questions of precedent for the organisation may be involved.

### c. Complaints Requiring an Investigation

Although most complaints can be resolved speedily and simply, some, because of their complexity and seriousness will require an investigation. These investigations should be undertaken by the Public Officer. The following procedure should be followed:

- Check if there are previous complaints from this person.
- Contact the complainant to clarify the complaint and the **outcome** sought, and to explain the investigation procedure.

- Brief yourself on the relevant legal and administrative background of the complaint.
- Assess whether the complaints system is the most appropriate way to handle the complaint. Discuss some alternatives with the complainant (eg legal action, police involvement, appealing to tribunals and mediation).

*Note:*

Complaints alleging pecuniary interest of councillors, council staff and other persons involved in making decisions or giving advice in council matters have a special procedure set down by the Department of Local Government. The Investigations and Review Branch of the Department should be contacted on how to proceed.

Suspected cases of corrupt conduct should be reported to the General Manager or Mayor (if appropriate)

- Consider whether complaint can be resolved without further investigation.
- Consider if any action which is the subject of the complaint should be deferred.
- Conduct enquiries research by:
  - obtaining relevant documents and other evidence.
  - establishing sequence of events and names of officers directly involved.
  - conducting interviews of officers and others involved (see guidelines elsewhere).
  - directly observing the circumstances and conditions under investigation,
- Prepare, circulate report for comment to the Departmental Head.
- Consider comments and amend report as necessary, adding conclusions, and if appropriate, a suggested remedy for the complainant.

The complainant should be kept informed on what is happening if the investigation is prolonged. A suggested interval is monthly.

The report should be considered by the General Manager, who decides whether or not to endorse the recommendations. Implementation will proceed under his/her supervision.

### **3. Third Level Complaint Handling - External Review**

Internal review, conciliation and investigation of customer complaints can sometimes not result in resolution. When the complaint is serious or the complainant's demands will continue to impact on the time and resources of staff, the Public Officer should refer cases to external sources of review.

This can take two forms:

#### Alternative Dispute Resolution

Sometimes the involvement of a neutral third party can positively assist in negotiating a settlement to an escalating dispute. A number of both private and public sector bodies utilise the service of professional mediators in such situations. The mediator through a formal face to face process of discussion assists the parties to clarify issues and reach a solution agreeable to both sides. The Australian Centre for Dispute Resolution and Lawyers Engaged in Alternative Dispute Resolution (LEADR) are two examples.

#### Referral to External Investigation Agency

There are a number of accountability/complaint bodies established by the NSW government that receive and investigate complaints from members of the public and public authorities about the conduct of public authorities and public officials. Dissatisfied complainants can be referred to these agencies or a joint approach made seeking an external review. The Office of the Ombudsman, the Independent Commission Against Corruption and the Department of Local Government are the main ones.

#### Procedures for gathering information and reporting performance:

The Public Officer will handle all complaints in writing which are not readily assigned to a department of Council. These will be signed out by the General Manager.

The Public Officer will report to the General Manager quarterly on a confidential basis:

- the number of complaints made verbally and in writing.
- a breakdown by categories of the subject matter of complaints.
- the percentage of complaints which were resolved.
- the methods by which resolution was achieved eg at front line, action taken by conciliation, by investigation, by referral to other bodies.
- the number of complaints still unresolved at the report date, and a listing of these showing the time elapsed since they were first registered.

Using this and other information provided by the Public Officer it is also the General Manager's role to convey the need for improvement to senior officers to ensure that problems identified do not recur.

## TRAINING

Staff responsible for receiving and/or resolving complaints should be aware of Council's policy and procedure on complaints and be trained in Council's complaint handling procedures. Each employee should be clear on what action should be taken, and what to do if a complaint is received.

The Council will provide additional training to staff who are required to deal with difficult complainants and also in the development of mediation skills.