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COMPLAINT MANAGEMENT

Strategic Outcome:	CL. Our Civic Leadership
Policy type	Strategic
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Date for Review:	3 August 2028
Responsible Officer:	Director Corporate Services
Document Control:	Initial adoption
Delivery Program Link:	CL1 Improve council processes to make doing business with Council easier

1. POLICY STATEMENT

The Complaints Management Policy sets out how complaints are managed to ensure concerns are treated seriously and complaints are addressed in a fair and timely manner.

This policy covers complaints about Council's processes, procedures, policies or quality of services as distinct from Council's services, or from matters such as reporting corruption or misconduct of elected officials. Council has adopted the Code of Conduct, which includes procedures for reporting and investigation of breaches of the code of conduct by Councillors and Council staff.

The Policy acknowledges the rights of members of the public to provide feedback about Council services, processes, procedures or policies. The expression of a complaint by a member of the public provides an opportunity for Council to:

- improve its level of accountability to the community,
- obtain valuable feedback on its performance as an organisation,
- demonstrate its commitment to customer service by professionally addressing the specific needs of the complainant,
- identify deficiencies in its current service delivery programmes, and
- identify areas for improvement.



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2. PURPOSE

This policy defines and details the nature of complaints and how they are managed by Council. The Complaints Management Policy details:

- the process for lodging complaints,
- types of complaints,
- the three-tier complaint handling system, which includes internal and external reviews and
- managing unreasonable complainant conduct.

3. SCOPE

This policy applies to complaints regarding all Council services, actions, plans, policies and procedures.

4. OBJECTIVE

This policy is designed to assist with the delivery of Delivery Program Objective CL.1:

Improve council processes to make doing business with Council easier.

5. DEFINITIONS

Public Officer - As defined in section 342 and 343 of the Local Government act.

Complaint - An expression of dissatisfaction with matters that fall within the scope of this policy.

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.

A complaint does not include:

- a request for Council services,
- a request for information or explanation of policies or procedures or decisions of Council,
- reports of damaged infrastructure,
- reports of hazards,
- reports concerning neighbors or neighboring property (e.g., noise or unauthorized works), or
- the lodging of an appeal in accordance with Council procedure or policy.

When reading and implementing this policy, Council staff should be mindful of the following documents:



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- NSW Ombudsman (2012) Managing Unreasonable Complainant Conduct Manual (Unreasonable Complainant Conduct Manual)
https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/125756/Managing-unreasonable-conduct-by-a-complainant-manual.pdf

6. POLICY IMPLEMENTATION

6.3 Lodging Complaints

Complaints must be lodged with Council in writing (including by email or via Council's online request system) to the Public Officer.

Complaints must include the name, address and contact number of the complainant and a brief description of the problem.

If a Councillor receives a complaint, the Councillor should refer the matter directly to the Chief Executive Officer as per Council's Code of Conduct.

6.4 Confidentiality

The delegated officer will ensure confidentiality is maintained regarding complaints received. Every endeavor will be made to treat all complaints confidentially, however, due to statutory and other requirements, confidentiality cannot always be guaranteed.

Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position, must ensure all allegations contained therein are referred directly to the Chief Executive Officer, and not discussed thereafter.

Council will ensure reporting of complaints about Council activities will not result in the complainant experiencing any form of victimisation, or retribution as a result of the complaint.

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6.5 Types of complaints

The table below describes the various types of complaints Council may receive.

Complaints against staff	Complaints made against a member of staff are to be directed to the Chief Executive Officer (CEO) and dealt with in accordance with the Code of Conduct and the Local Government (State) Award.
Corrupt Conduct	Under Section 11 of the <i>Independent Commission Against Corruption Act 1999</i> (ICAC Act) d, the CEO must report these complaints to the Independent Commission Against Corruption (ICAC) in circumstances where there is reasonable suspicion corruption in any form has occurred within Council.
Complaints concerning council policies, procedures & charges	Complaints made in relation to Council policies, procedures and/or charges will be referred CEO or the Public Officer.
Public Interest Disclosures	Public Interest Disclosures (PIDs) are covered by Council’s Public Interest Disclosures Policy and will be handled in accordance with that policy.
Competitive Neutrality Complaints	An actual or potential competitor of a Council business may make a complaint if it believes it is being adversely affected through a failure to adopt competitive neutrality principles – that is, Council is operating with an unfair competitive advantage. Competitive Neutrality complaints must be in writing and will be referred to Council’s Public Officer who will acknowledge and investigate the complaint and will provide a response within twenty-one (21) days.
Privacy Complaints	Complaints relating to privacy and breaches of the <i>Privacy and Personal Information Protection Act 1998</i> are to be referred to the Public Officer. Complaints regarding privacy are dealt with in accordance with Council’s Privacy Management Plan.
Anonymous Complaints	While anonymous complaints will be recorded, Council will generally only act on them where the matter concerns safety or is of a serious nature and there is sufficient information in the complaint to enable an investigation to be undertaken. A decision on whether to investigate will be made at the discretion of the Public Officer.
Pecuniary Interest Complaints	If the matter complained about concerns an alleged breach of the pecuniary interest provisions of the <i>Local Government Act 1998</i> ; the OLG Pecuniary Interest Guidelines 2006 make it clear such matters must be reported by the Chief Executive Officer after reviewing all information and determining there is evidence consistent with a breach of the Act.

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Political Donation Complaints	Additionally, if the CEO reasonably suspects a councillor has not complied with the provisions of the Code of Conduct relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the CEO is to refer the matter to the Director-General of the Office of Local Government.
Complaints Relating to Councillor, Mayor or Chief Executive Officer	All complaints alleging misconduct in relation to a Councillor (including the Mayor) must be reported in writing to the CEO. A complaint alleging misconduct by the CEO must be reported in writing to the Mayor. The provisions contained in the Code of Conduct will be applied to any subsequent investigation and findings.

6.6 Tier Structure

6.6.1 Tier 1: Frontline complaint handling

Staff will, within the scope of their delegated authority, endeavor to resolve issues at the first point of contact. The subject of the complaint, the name of the complainant and their contact details, their actions and the resolution of issues must be recorded in Council's electronic document management system.

Complainants will be encouraged to use all existing Council procedures to resolve their issue. If the matter cannot be resolved at the first point of contact the matter, once recorded, must be sent to the Public Officer who will determine the most appropriate staff member to deal with the matter. The Public Officer must ensure the timelines within the table below are complied with and/or periodic updates are provided to the complainant.

6.6.2 Tier 2: Internal review

Should the complainant be dissatisfied with the handling or determination of a complaint, the Public Officer may refer the complaint to the CEO for internal review. The Public Officer should advise the complainant they may request an internal review in writing. If requested, the Public Officer will refer the matter to the CEO who will review the matter and call upon the help of a specialist officer (if technical issues are raised) and respond to the complainant accordingly. The CEO will advise the complainant in writing of the expected turnaround times (after consultation with the officer conducting the review process) and keep the complainant updated if an extension or more information is required.

6.6.3 Tier 3: External review



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Should the complainant be dissatisfied with the way in which their complaint was handled, or the findings, they will be provided with the relevant information by the Public Officer or CEO regarding rights of appeal and may seek a review by the:

- NSW Ombudsman on 1800 451 524 or at <https://www.ombo.nsw.gov.au/> – for complaints about the conduct of staff, enforcement matters and the administrative conduct of Council itself.
- Independent Commission Against Corruption (ICAC) on 1800 463 909 or at <https://www.icac.nsw.gov.au/> - for complaints that a Council official has acted corruptly.
- Office of Local Government (OLG) on 4428 4100 or at <https://www.olg.nsw.gov.au/> - for complaints about the overall functioning of Council, pecuniary interest issues, tendering or Councillor misconduct.

6.7 Acknowledgement and Communication with Complaint

Within the timeframes prescribed below, on the receipt of a complaint, the Public Officer will provide an acknowledgment letter. The acknowledgment will detail receipt of the complaint, the process involved in investigating the allegation/s and an indication of time required for resolution. Such acknowledgment will be in writing, as appropriate, and details of the contact will be recorded against the complaint in Council’s electronic document management system.

The Public Officer will provide written advice to the complainant as to the outcome of investigations. Where appropriate, an offer of redress will be made and the complainant will be advised of any measures taken to minimise recurrence of the issue(s) underlying the complaint.

Within 7days	All complaints will be recorded in Council’s electronic document management system. All complainants will be provided with written acknowledgement of the complaint.
Within 10 days	The Public Officer will provide acknowledgement and aim to give a timeframe for resolution of the matter where it is complex or requires investigation.
Within 21 days	Competitive Neutrality complaints will be acknowledged and within twenty-one (21) days. If further time is required, the Public Officer will advise the complainant and provide periodic updates.
Within 28 days	TTThe Public Officer will aim to address the full complaint or keep the complainant informed of progress. For complex issues, updates will be provided at periodic intervals determined by the nature of the issue and as notified by the Public Officer in their acknowledgement letter.



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Within 60 days	Internal reviews should be completed within 60 days of the lodgment for a request for an internal review. For complex reviews, an estimate of the time required and periodic updates should be provided by the CEO.
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6.8 Managing difficult complaints

6.8.1 Malicious, Frivolous and Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if, following investigation, a complaint is found to be malicious, frivolous, or vexatious, Council will consider the nature of the complaint and may seek legal advice with respect to the implications of any suspected vexatious or malicious complaints.

A decision to take no further action against a complaint who is found to have made a vexatious or malicious complaint, will be made by the CEO and the complainant will be informed in writing of the decision.

6.8.2 Persistent Complainants

Sometimes, Council will encounter complainants who are persistent and write regularly to the point Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to a particular complainant in the future.

The CEO will consider all the facts and issues of the individual case prior to determining a response (being mindful of Practice Note 9 and the Managing Unreasonable Complainant Conduct Manual).

If a decision is made to limit responses, the CEO will write to the complainant explaining the Council's intention not to acknowledge or respond to further correspondence on the matter(s) unless new information is provided that warrants action.

The complainant will be advised future written material will be filed.

With respect to telephone calls, the complainant may be advised their calls will only be taken during restricted times and then only by a specific person; or that no future phone calls will be accepted, or interviews granted about the same matter.

6.8.3 Rude or Aggressive / Threatening Complainants

In cases where a complainant's behaviour is aggressive or threatening, i.e., the complainant:



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is consistently abusive or makes threats to staff or third parties using Council services or on Council premises, or

- causes damage to Council property or threatens physical harm to staff or third parties,

details of the aggressive or threatening behaviour are to be provided to the CEO.

The CEO will consider all the facts and will determine the best course of action (being mindful of Practice Note 9 and the Managing Unreasonable Complainant Conduct Manual). If deemed necessary the CEO, may notify the complainant they are not permitted to enter Council buildings for a period of time, that no phone calls will be accepted and / or that they may only correspond with council in writing.

The CEO will notify the complainant in writing of the nature and duration of restrictions placed upon them.

A register of people whose access has been restricted will be kept by the Public Officer and staff should have access to the register and be familiar with its contents.

Threats of harm to an employee or any other Council Official should be taken seriously and referred to the Police immediately. A pragmatic approach to the staff member's safety and security should also be considered (depending on the nature of the threat) such as having the staff member arrive at or leave work whilst other staff are on duty, having the staff member escorted to their vehicle and vetting work calls if required.

Unreasonable Behavior (rude and intemperate language) should not be tolerated by staff or any other Council Official. The CEO should be informed and determine the best course of action (again being mindful of Practice Note 9 and the Managing Unreasonable Complainant Conduct Manual)

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Independent Commission against Corruption (ICAC) Act 1998*
- *NSW Local Government Act 1993*
- *Privacy and Personal Information Act 1998*
- *Public Interest Disclosures Act 1994*
- NSW Ombudsman (2012) Managing Unreasonable Complainant Conduct Manual

7.2 Council policies and guidelines

- Governance Policy
 - Code of Conduct
 - Privacy Management Plan
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- Public Interest Disclosure Policy
- Records Management Policy
- Legislative Compliance Policy
- Fraud Control Policy
- Customer Requests Policy

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the *Local Government Act 1993*). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Director Corporate Services

APPENDICES