



Complaints Management Policy

AUTHOR **Paul Spyve**

DEPARTMENT **Governance, and Integrated Planning**

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1. Policy Background

Outcomes

Waverley Council aims to provide the best service possible to its customers. Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing community satisfaction.

Complaints generally occur when the expectations of the customer have not been met. Council has in place a Complaints Management System to ensure all complaints and requests are dealt with in a timely and effective manner.

Purpose

The purpose of this policy is ensure Waverley Council has in place an effective complaints management system which:

- Ensures complaints are received, recorded and resolved in an appropriate manner,
- Allows Council to deal with complaints in an fair, open and impartial manner,
- Uses complaints as a means to improve Council's service quality, policies and procedures,
- Demonstrates Council's commitment to deal with complaints in a positive manner, and
- Allows general complaints to be dealt with in a timely manner.

Definition: What is a General Complaint?

A general complaint for the purposes of this policy is any expression of dissatisfaction with Council's:

Policies and procedures

Complaints about policies and procedures are usually related to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure.

Employees, Delegates and Volunteers

Complaints about employees, delegates and volunteers are generally about dissatisfaction with the behaviour of a Council employee.

Quality of service

Complaints about quality of service are generally related to the quality of the finished job (eg. not up to an expected standard, poor workmanship) or the length of time taken to complete the job/provide the service (eg. outside our service standards).

The complaints above fall into the category of general complaints, which are dealt with and resolved inside the organisation.

There are also other types of complaints, which are covered in more detail in Section 2 of this policy.

A General Complaint is NOT...

- a request for services,
- a request for information or explanation of policies or procedures,
- an expression concerning the general direction and the performance of Council or its elected representatives,
- a report of damaged or faulty infrastructure, or
- a report about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of our service.
- An objection to the development application.

Many of the issues above are called 'complaints' when a customer contacts us but in reality they are a 'request for service'. They are called complaints because a customer is unhappy about the situation and wants something done.

The actions we take to resolve these 'requests for service' are an everyday part of organisational life for Waverley Council due to the nature of services we provide. This terminology does not reduce the importance of the issue, nor does it change the actions we will take. However it does help us differentiate between a **complaint** and a **request for service** so that we can register the issue appropriately on our customer tracking system (Service Desk).

Each complaint received will be assessed on its merit. If staff receiving a complaint have any doubt about the category of

complaint or the actions required, they must seek advice from their supervisor.

Policy Review and Improvements

This policy (and associated procedures) is part of an ongoing program of continuous improvement adopted by Waverley Council. We will review this policy every 3 years.

2. Types of Complaints

There are many different types of complaints which require specific actions. Set out below is an overview of the types of complaints Waverley Council may need to deal with.

General Complaints

This category covers a wide range of issues about policies and procedures, behaviour of employees and quality of service that are dealt with and resolved inside the organisation. These complaints may be written or verbal and there is an identified complainant. Our aim is to deal with these complaints as close to the source of the complaint as possible. Council determines how to deal with general complaints, unlike complaints outlined below where statutory rules exist.

Customers who have made a general complaint and are dissatisfied with the outcome can take the matter further by contacting the Department of Local Government, ICAC, the Ombudsman or Anti-Discrimination Board, so it is important that we do everything we can to try to resolve the issue. However, there are times when a complaint is not justified and a decision or outcome cannot be changed. At these times we must continue to deal with the complainant in a professional way and inform complainants about their rights and other avenues available to them.

Anonymous Complaints

While we will record anonymous complaints, we will generally only act on them where the matter is relatively serious and there is sufficient information in the complaint to enable an investigation to be undertaken.

Anonymous complaints should always be referred to the relevant Director. Complaints about hazards and public safety concerns should be referred to Council's Risk Manager.

Generally only anonymous complaints about staff involving the following serious matters will be investigated:

- hazards involving possible risks and public liability,
- corrupt conduct,
- illegal activities eg: illegal work/buildings, and
- public safety concerns eg: child protection.

Code of Conduct Complaints

Any complaint alleging a breach by a councillor, member of staff or delegate of council will be dealt with in accordance with the procedures precibed under Council's adopted:

- Code of Conduct for Councillors
- Code of Conduct for Staff, Delegates and Volunteers.

Complaints including a failure to declare a pecuniary or non-pecuniary interest or a breach of the Code of Conduct are matters that will be dealt with in accordance with procedures outlined in these Codes of Conduct.

Competitive Neutrality Complaints

Competitive Neutrality is based on the concept of a 'level playing field' for all comeptitopr in the market place regardless of the business they operate. Council should operate without net competitive advantage over businesses that might otherwise flow as a result of their public ownership.

A competitive neutrality complaint is:

- A complaint that Council has not met its requirements under the National Competition Policy.
- A complaint about Council's pricing and costing of its Category 1 and Category 2 businesses as identified in its Annual Report. These businesses are:
 - Council's Property Portfolio
 - Trade Waste
 - Cemetery Unit
- A complaint that Council has not established an effective complaints handling mechanism.
- A complaint that Council has not abided by the spirit of competitive neutrality in the conduct of its business activities.

A competitive neutrality complaint is **NOT**:

- A complaint regarding the level of service provided by a business activity – this is a Service Desk request.
- A complaint regarding the cost of a service, unless it is that Council has not costed the service to take competitive neutrality into account.
- A complaint regarding the trade practices laws and their application to councils. Complaints which centre on the Trade Practices Act 1974 and related issues can be dealt with by the Council but are not competitive neutrality

- complaints. They may also be referred to the Australian Competition and Consumer Commission (ACCC).
- A complaint relating to not-for-profit community services that are not significant business activities.

Complaints with Statutory (including Industrial) Reporting Requirements

This category covers a range of issues that may be dealt with and resolved inside the organisation and may also have external reporting requirements. These complaints will be dealt with by the relevant Divisional Manager and possibly referred to an appropriate external authority. The General Manager will be kept informed about the nature and resolution of these types of complaints and the process used.

Public Interest Disclosure, Corrupt Conduct, Maladministration and Serious/Substantial Waste

These complaints are to be referred to the Protected Disclosure Coordinator or Protected Disclosure Officer in each department. The General Manager will be notified about all protected disclosures made.

Pecuniary Interest

These complaints are to be referred to the Divisional Manager – Governance and Integrated Planning for investigation.

Allegations under Child Protection Legislation

These complaints are to be referred to the Director of each department. The General Manager/Ombudsman or DOCS may need to be notified and must be notified if it is an allegation of abuse.

Grievance Complaints

These complaints may be referred to a Manager, Director or Divisional Manager - HR/OD.

3. Unreasonable Complaints

Council's Complaints Policy and Procedure exists for the benefit of service users to provide a process which is both transparent and fair in dealing with expressions of dissatisfaction. However in certain instances it is apparent that some complaints are unlikely to be concluded due to their unreasonable nature. Complaints are deemed unreasonable if:

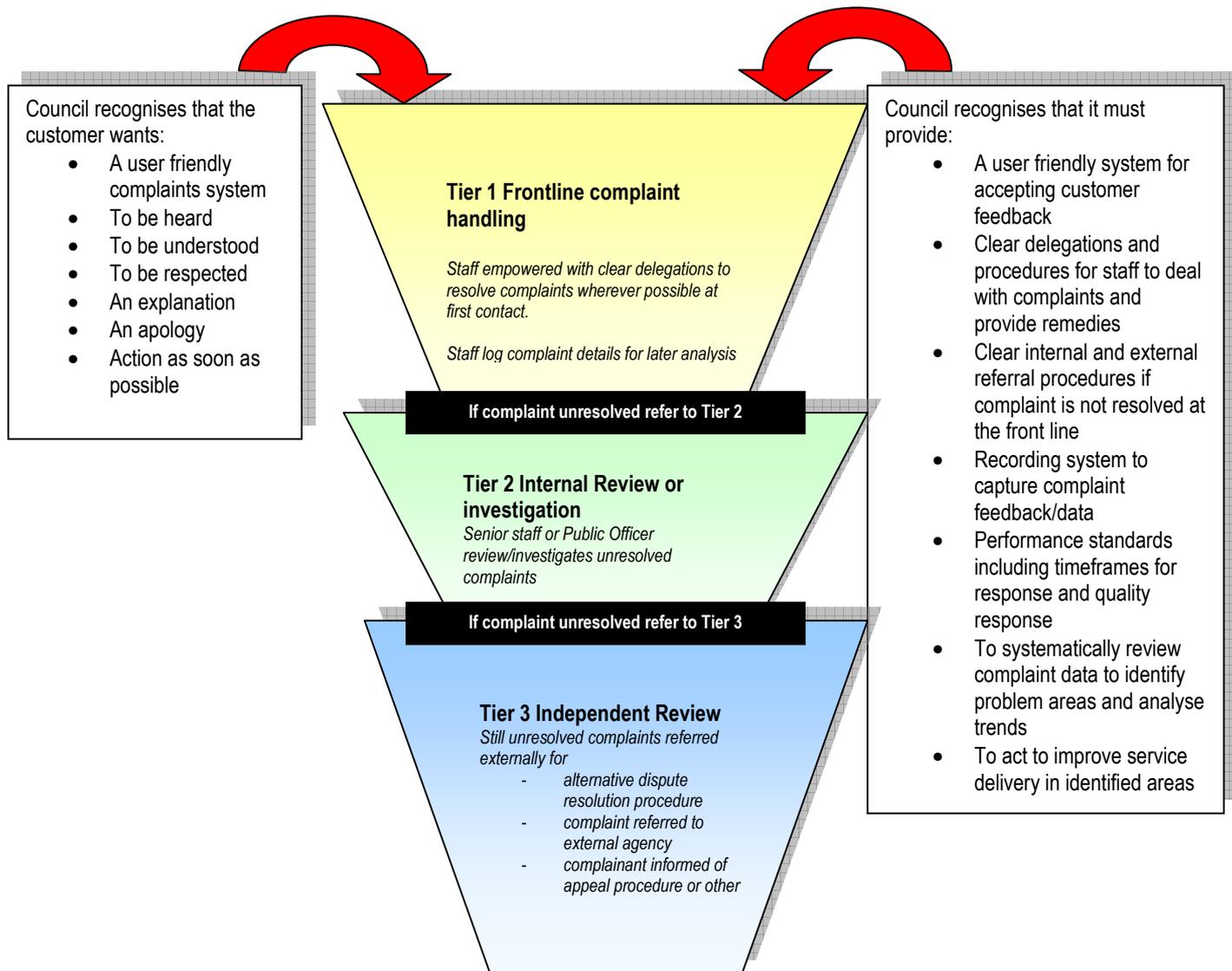
- The complaint lacks substance or merit
- The complaint is outside of Council's jurisdictional responsibility
- The conduct of the complainant is unreasonable, unacceptable or uncooperative.

Council's Complaint Procedure provides information on how staff can manage unreasonable complaints.

4. Complaints Management Process

Council recognises that an effective complaints system is an essential part of the provision of quality public sector service. To achieve this it has adopted a best practice model as advocated by the NSW Ombudsman to handle complaints:

Waverley Council's Model for Complaint Handling



Council has in place a three tier complaint handling system which involves the following:

Tier 1 Frontline Complaint Handling

Staff is empowered with clear delegations to resolve complaints wherever possible at first point of contact. Staff members are to register all complaints and to outline the resolution/action taken.

Tier 2 Internal Review

If the complaint can not be resolved at the first point of contact then the complaint is reviewed or investigated by the Public Officer, Senior Officer or General Manager and the results of the review are reported back to the complainant

Tier 3 External Review

If the complaint cannot be reviewed within the Council the complainant is referred to an outside agency or to some other alternative resolution procedure or, as a last resort any legal remedy

Council will maintain a Complaints Register which will provide a complete record of all complaints received and processed by Council.

The Manager Customer Service shall maintain statistics of complaints to allow performance reporting in the quarterly review and the Annual Report.

By adopting the best practice model for complaint handling as advocated by the NSW Ombudsman's Office Council will ensure it has in place an efficient and effective system for handling complaints. It will ensure that complainants can see that Council has a transparent system which handles their complaint fairly. Also, it will allow Council through its complaints management system to learn as an organisation in achieving better outcomes for the community.

Response times for complaints

Our aim is to finalise all complaints within 28 working days. However, in some cases, response times can be delayed due to the nature and complexity of the complaint. Additional information or clarification may be required. Staff handling the complaint may also need to consult or seek information from other Council employees. The investigation period will vary according to the nature and complexity of the complaint. When response times are longer than the set standard it is important to keep the complainant informed about progress.

All complaints will be acknowledged within **5** working days regardless of the way the complaint was made. Wherever possible, eg. for complaints made in person or over the phone, complaints will be acknowledged at the time the complaint is made.

Registering Complaints on Service Desk

All general complaints will be logged on Council's customer service system, Service Desk.

Record Keeping

General complaints received by telephone, e-mail and mail are to be registered on TRIM and put on a file by the Records section and referred to the appropriate officer, who should ensure the matter is logged on Service Desk.

Complaints about staff are kept on a confidential Trim file held by the Director of each department.

Code of Conduct complaints are kept on a confidential Trim file held in the General Manager's Office.

Competitive Neutrality complaints are held on confidential file within Trim.

Protected Disclosures are kept on a confidential Trim file in the General Manager's office.

Grievances are kept on a confidential Trim file held by the Director or General Manager.

Monitoring Performance Against the Policy

Regular monitoring of performance response times against the time standards set out in the policy and procedure will be undertaken with a quarterly report being presented to the Executive Team and circulated to councillors via the Finance, Ethics & Strategic Planning Committee Bulletin.

Associated Documents

Council has developed a suite of documents to assist with the operation of its Complaint Handling System consisting of:

- ***Complaint Handling Procedure*** which sets out the operational procedure to staff in the handling of complaints.

- ***Complaint Handling Guideline*** which provides guidance to staff to assist with the handling of complaints
- ***Complaints Brochure*** which provides information to customers on council's Complaint Handling System