



COMPLAINT MANAGEMENT POLICY POLICY 5.62

COMPLAINT MANAGEMENT POLICY

DIVISION: GOVERNANCE

PILLAR: GOVERNANCE

FILE / BINDER:

INTRODUCTION:

Camden Council is committed to delivering quality customer service and communicating effectively with the community. This involves a commitment to respond promptly, fairly and effectively to instances of unsatisfactory dealing/s with a particular issue or request.

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. It includes procedures for Council's customers to make complaints and guidelines for staff to resolve complaints, and provides information to managers and staff that can assist them to prevent customer dissatisfaction in the future.

This Policy aims to:

- Recognise and protect the rights of the community and customers including the right to comment or complain about Council's level of service or manner of dealing with a matter;
- Provide an efficient, fair and accessible mechanism for resolving customer issues;
- Inform the community and customers about the process used to handle complaints regarding Council's services and products;
- Ensure complaints are monitored in a systematic way so corrective action is taken, where appropriate, and identifying areas that need improvement.
- Increase the level of customer satisfaction with Council's services and products.

This policy is also designed to assist Council to record, respond to and manage complaints so that:

- (a) Council operates, and is seen to operate, in an environment of respect and professional behaviour;
- (b) Opportunities for continuous improvement of processes and procedures can be identified, implemented and thereby improve customer service in all areas.

General Service Requests

In the first instance, general service requests are not considered a formal complaint under this Policy, with such matters being lodged in Council's Customer Request Management System (CRMS) or Electronic Document Management System (EDMS) for initial follow up.

A general service request may include the following:

- A request for works or services to be provided;
- Requests for information or explanations of policy or procedure;
- Reports of damaged or faulty infrastructure (eg road pothole);
- Reports of hazards (eg fallen tree branch);
- Reports concerning neighbours or neighbouring property (eg noise or unauthorised building works);
- Where the issue is the responsibility of another authority or service provider;
- The lodgement of an appeal or objection in accordance with a standard procedure, e.g. objection to a Development Application.

General service requests, once entered into CRMS or EDMS, will be forwarded to the appropriate Action Officer and dealt with according to the allocated time frames, as defined in CRMS or EDMS. Should a customer consider the request to be dealt with unsatisfactorily under this system, the request could be escalated and dealt with under this Policy.

Definition of a Complaint

For the purpose of this policy, a complaint is any expression of dissatisfaction with the service provided by Council.

For example:

- The quality and range of services provided;
- Failure to meet a service standard;
- A Council Policy or procedure not being followed; or
- The conduct of an employee or agent.

As outlined under 'General Service Requests' Section above, where a customer contacts Council to request a service, to advise of an infrastructure fault or a general complaint, such request will be recorded in Council's CRMS or EDMS and is not considered a formal complaint under this Policy.

POLICY STATEMENT

Complaint Handling Model

Council has adopted a three tiered approach to processing the complaint through this Policy. This approach aims to have complaints responded to and resolved as quickly as possible.

The following table outlines the three tiered approach:

| TIER | RESPONSIBILITY |
|--|---|
| 1ST – Initial Complaint handling | |
| Complainants are encouraged to provide feedback on the complaint with the appropriate officer who provided the service or dealt with the issue. This is more likely to result in a speedy resolution to the complaint. | Appropriate Officer |
| 2ND - Internal Review | |
| <ul style="list-style-type: none"> • If the complainant remains unsatisfied after speaking to the appropriate officer in Tier 1, then the complaint may be escalated to a more senior officer. • If the complainant is still unsatisfied with the outcome, or if the complaint is about a Manager/Director, the complaint should be escalated to the General Manager. • If the complaint is about the General Manager then the complaint should be directed to the Mayor or an external agency. | <p>Team Leader, Supervisor, Manager, Director or General Manager</p> <p>General Manager.</p> <p>Mayor/External agency</p> |
| 3RD – External Agency Review | |
| If the complaint cannot be resolved to the customer's satisfaction through Council's internal complaints handling system, the complainant will be referred to an outside agency such as the Ombudsman or to an alternative dispute resolution procedure. | External Agency or alternate dispute procedure |

Complaints will move from one tier to the next if:

- The complaint is about the staff member's own conduct and it is not appropriate that they deal with it;
- The complainant requests it;
- The complaint is outside the staff members' delegation or area of expertise;
- A staff member is alleged to have committed a serious criminal offence, acted corruptly or engaged in other serious or controversial conduct.

Complaints About Corruption, Serious Or Substantial Waste, Pecuniary Interests, Competitive Neutrality Or Criminal Activity

Corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official also comes within the definition when it adversely affects the impartial or honest exercise of official functions by a public official.

The conduct must also constitute or involve:

- (a) a criminal offence; or
- (b) a disciplinary matter (ie. conduct constituting or that may constitute grounds for disciplinary action); or
- (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official.

Corrupt conduct can take many forms, for example, taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling.

Community Members (External Customers)

Community members or others who are not employees of Council, who wish to lodge a complaint or allegation about corruption, serious or substantial waste or pecuniary interests or competitive neutrality should lodge a complaint directly with the General Manager or with one of the following external bodies:

- Independent Commission Against Corruption - for complaints about corruption;
- NSW Ombudsman - for complaints about maladministration;
- The Director General of the Department of Local Government - for complaints about serious and substantial waste of public monies, pecuniary interests or competitive neutrality.

A complainant making an allegation about criminal activities should be reported immediately to the General Manager who will determine if the matter should be referred to the Police.

Internal (Council Officials)

Staff who receive complaints about corruption, serious or substantial waste or pecuniary interests or criminal activity by a Council employee or Councillor are to report them immediately to the General Manager.

Staff who wish to report corruption, serious or substantial waste or pecuniary interests should follow the procedures in Council's *Protected Disclosures Policy* (No 5.25).

Complaints about abuse allegations

The safety and welfare of children in Council's care is paramount. Council expects all staff will report any abuse, regardless of their work location or function. Allegations of

child abuse are dealt with under Council's "Protection of Children in the Workplace" Policy (Policy 5.31) and reported immediately to the NSW Ombudsman and the NSW Commission for Children & Young People to comply with the requirements of various Child Protection legislation.

Time Frames

All complaints received will be acknowledged in writing within five (5) business days of receipt, giving contact details of the Council Officer who will be responsible for the investigation for follow up by the complainant.

All complaints will be investigated and resolved within fifteen (15) business days.

Where this time frame cannot be met, the appropriate officer will contact the complainant via telephone prior to the time limit expiring, advising the complainant of the reasons for the delay and providing a revised time frame.

Remedies

As 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;
- A commitment to investigate and/or review Council procedures or practices where a complaint is justified.

The Council Officer responsible for the investigation will maintain contact with the complainant and initially advise the complainant of the results of the investigation via telephone. A formal response to the investigation will then be provided to the complainant in writing. This will include details of any proposed remedies if appropriate.

There may be occasions where Council cannot resolve a complaint to the satisfaction of the complainant. In such cases, Council may initiate conciliation or another form of alternative dispute resolution procedure or may refer the complainant to an external agency or legal remedy.

Recording Complaints

All complaints received will be recorded in one of the following four (4) dedicated binders within Council's Records Management System:

- General Managers Unit
- Governance
- Works and Services
- Environment and Health

In the first instance the CRMS generated from EDMS will be sent to the Director for re-allocation to the most appropriate Manager/officer to respond to the complaint.

Any written correspondence (i.e. confirmation) that is produced as a result of the initial complaint will be saved in the appropriate binder in EDMS by the action officer.

Monitoring Complaints (after reallocation of CRMS by Director)

Details of any verbal contact between the Action Officer and the complainant will be recorded against the initial CRMS.

Any written correspondence and/or verbal correspondence should be saved in EDMS and linked to the CRMS.

Internal Reporting Complaints

All complaints will be classified and analysed to identify any systemic or recurring problems which need to be rectified to improve processes and reduce future complaints.

Regular reports on numbers and types of complaints will be monitored by Council's Management Executive and be available to the community annually.

Difficult Complainants

There may be occasions where a complainant's actions or motivations are unacceptable. Council staff have rights that must be respected when dealing with aggressive or vexatious complainants.

A very small minority of the community make complaints that are vexatious, persist unreasonably with complaints, make complaints in order to make it difficult for Council rather than genuinely to resolve a grievance or continue to raise the same or similar matters over and over again.

Where an established pattern of previous or current contact with Council shows a complainant to be able to be classified as habitual or vexatious, the General Manager may deal with such a member of the community in one or more of the following ways:

- In writing, setting out a code of commitment and responsibilities for the parties involved, if Council is to continue processing the complaint;
- Inform the complainant they are to contact Council only via one contact method (ie either in person, by letter, by telephone, by fax or by email) and only through one (1) nominated Council officer with the complainant being notified of the method and officer;
- Notify the complainant, in writing that Council has responded fully to the issue raised and has endeavoured to resolve the complaint and there is nothing more to add and continuing contact on the matter will serve no useful purpose. Therefore, correspondence is at an end and Council does not intend to engage in further correspondence dealing with the complaint;
- In extreme circumstances, inform the complainant that Council reserves the right to seek legal advice on unreasonable or vexatious complaints;
- Suspend all contact with the complainant in connection with the issues relating to the complaint.

How to Lodge a Complaint

Complaints may be lodged with Camden Council in the following ways:

- By telephone 46547777;
- In person – make an appointment to talk to the staff member with whom you have been dealing or the Team Leader or visit Council’s Customer Service Counters located at 37 John Street, Camden and 19 Queen Street, Narellan between 8.30am to 5pm Monday to Friday;
- In writing to PO Box 183 Camden 2570;
- By fax 46547829 (marked for the attention of the relevant officer);
- email at mail@camden.nsw.gov.au;
- via Council’s website – “Contact Us” Section on the front page.

Alternatively, a Complaints Form, which is provided at the back of this Policy, may be completed and sent to Council via the above described methods. The Complaints Form is also available on Council’s website or at Council’s Customer Service Counters.

Please note that generally anonymous complaints will only be investigated where there is sufficient information and the allegation is of a serious nature.

Confidentiality

Confidentiality of complaints, including the identity of the complainant will be maintained where requested and in accordance with relevant legislation.

Any personal information collected and stored by Council will be used and disclosed only in accordance with the Privacy and Personal Information Protection Act, 1998.

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RELEVANT LEGISLATION: Privacy and Personal Information Protection Act – 1998;
Child Protection Act; and
Protected Disclosures Act, 1994.

RELATED POLICIES/DOCUMENTS: Procedure in Complaint Handling;
Access to Information document;
Protected Disclosures Act Internal Procedures Policy (5.25);
Code of Conduct (5.3);
Notification Procedures DCP;
Protection Of Children In The Workplace (5.31)

DELEGATIONS: N

SUSTAINABILITY ELEMENT: N

STAFF TRAINING REQUIRED?

Y

NEXT REVIEW DATE:

PREVIOUS POLICY

ADOPTED: 27 October 2009

MINUTE: ORD253/09

