



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

INTERNAL USE ANNEXURE

GUIDELINES FOR STAFF – “WHAT SHOULD I DO?”

Staff who receive complaints directly should:

- give their names, greet the person courteously, and ask in a positive manner how they can help
- listen to what the person has to say:
 - everyone appreciates being listened to and seriously aggrieved complainants may have an emotional need to vent their anger over what has happened, so give them time to tell their story
- arrange for sign/language interpreters or advocates if required
- use good listening skills, (eg use encouragers like nodding and saying “I see”; maintaining eye contact, leaning forward if sitting down, adopting an open body posture, looking interested)
- seek clarification of any points that are not clear in a non-judgemental way; use open-ended questions to do this, starting with how? when? where? who? why?
- try to meet any reasonable requests that would resolve the matter
- make it clear the complaint has been understood by summarising the main points made and asking whether that’s correct
- ask, “What do you want to happen?” or “What do you want to be done?”
- provide any relevant information that will assist complainants to better understand the decision or action that they are aggrieved about
- show empathy:
 - remember whether the complaint is justified or not, the person’s sense of grievance is real and the complaint handler’s job is to deal with that grievance successfully, not just dismiss it out of hand
- treat complainants respectfully, pleasantly and professionally
- decide the appropriate course to adopt and if possible, gain the agreement of the complainant to this action
- take this action and inform the complainant
- take responsibility for solving the problem on the spot if possible
- offer solutions which can be delivered
- handle complaints quickly, within established timeframes, and
- log the complaint and action taken for later trend analysis.

Ways to increase the likelihood of success

Give reasons

If a complaint is generated by a misunderstanding, explain carefully why the action complained about was taken, having regard to the relevant policies, procedures and legislation of the Council. Often it is useful to provide the complainant with a copy of a particular policy.

Where appropriate, apologise

If errors have occurred and an apology is warranted, give it there and then in a sincere manner. If an apology that accepts responsibility is not warranted, the act of showing empathy can be effective in appeasing an aggrieved person. In those cases, express regret for what has occurred such as "I am sorry that this situation has left you feeling dissatisfied with us." An apology is a sign of confidence.

Useful information on how to deliver an effective apology can be found in the NSW Ombudsman's *Fact Sheet No. 5 - Apologies by Councils* and *Apologies, a Practical Guideline*. See also section 9 of Practice Note No. 9 – "*Complaints Management in Councils*" for further guidance on apologies.

Be positive

Be positive and focus on solving the problem rather than blaming or finding fault.

Defuse anger

If the complainant is angry, the anger must be defused before the problem can be dealt with. Courtesy, using good listening skills and showing empathy are extremely important when dealing with high levels of emotion. Sit down with them wherever possible. Maintain eye contact. A good tactic in situations where you have not had the chance to investigate is to agree with any statements they make that do not necessarily apportion blame or responsibility. It is difficult to remain angry with a person who agrees with you. Use statements starting with "I agree" or "You are right..." Statements of fact can usually be agreed with, as well as broad uncontroversial principles and the person's right to hold their own opinions. Don't debate the facts or ask questions until the person is settled.

Take action

Take some action to fix the problem presented. This may involve providing the service not delivered, undertaking to review the decision or action complained about, undertaking to make sure outstanding action is taken in a defined time period, (and doing so, even if the action is someone else's responsibility), or providing some other remedy or compensation for actions that cannot be undone.

Referral

If the complainant has to be referred to another staff member, this should be an appropriate person who should be fully briefed before referral. Being transferred from person to person is perhaps the most frustrating aspect of complaining. Satisfaction decreases with every transfer even if the problem is resolved in the end. People will generally tolerate one transfer if they do not have to explain everything again.

What to do when the complainant is still not satisfied

It will not always be possible to satisfy complainants, or agree to all the terms of settlement that they want. Common sense will dictate what is reasonable or achievable. Further action may not necessarily be needed as long as staff have properly listened to them, understood them, respected them, been fair in any decision and provided an appropriate explanation and/or apology.

The complainant should be told in clear terms what can and cannot be done.

However, if the complaint remains dissatisfied they may need to be referred to the second-tier of the complaint handling system. In such circumstances, the complainant should be

told about the availability of council's internal review process.

When frontline complaint handling staff should automatically refer a complaint on

When the complaint is about a staff member's own conduct and he or she is not confident about dealing with it fairly, or if the complainant requests it, the problem should be automatically referred on. Unless the whole matter can be resolved by some kind of conciliation on the spot, staying involved will almost certainly make it harder to resolve the complaint and may encourage escalation of the dispute. In such circumstances, the staff member should politely suggest it would be better for the complainant if someone else reviewed the matter.

Automatically refer the problem on when:

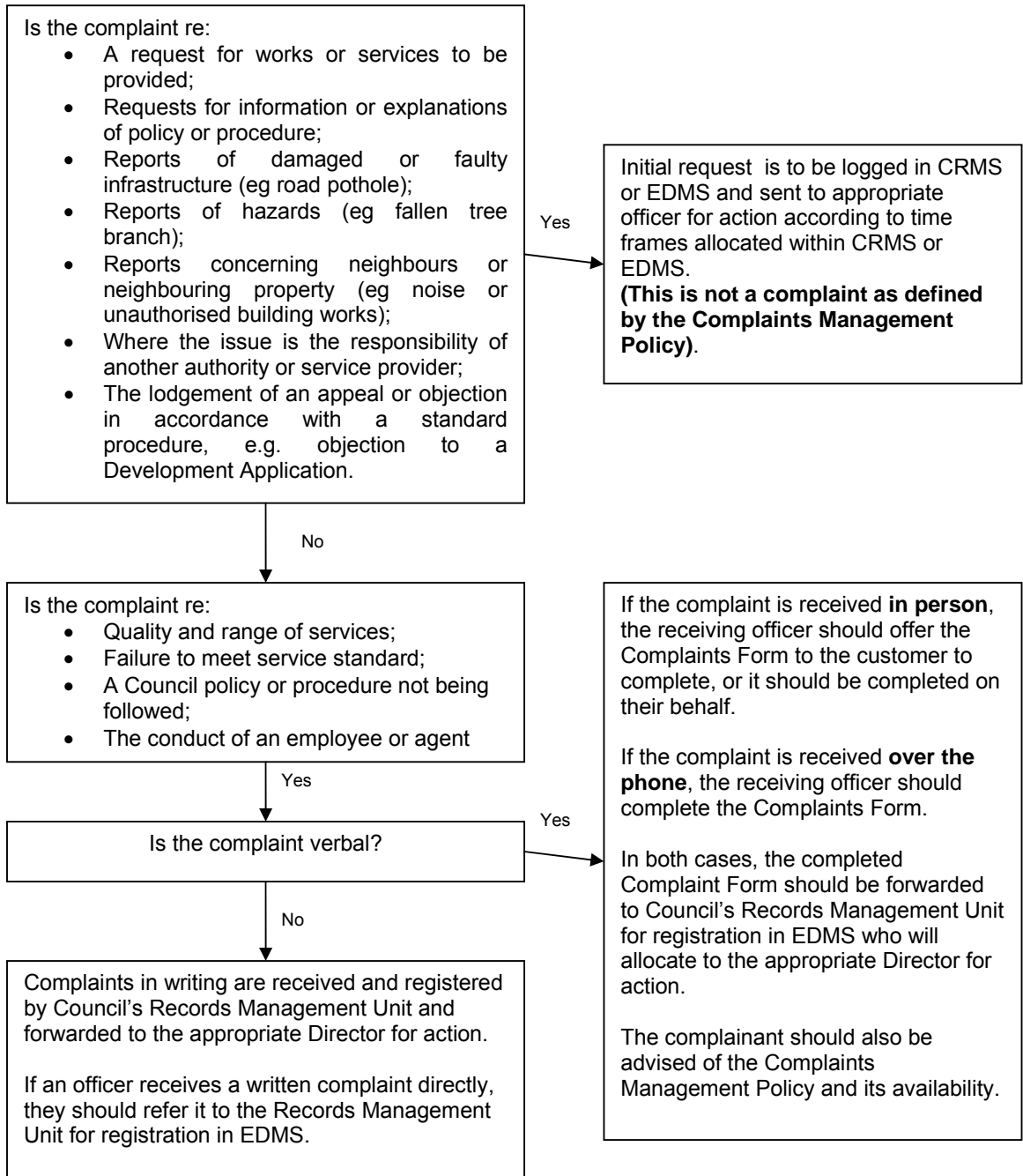
- the problem is clearly outside a staff member's delegation or area of expertise
- there are established internal or external referral procedures, (eg for protected disclosures or code of conduct complaints, ICAC notifications or referral of pecuniary interest matters to the Department of Local Government).
- a staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct, and/or
- significant disciplinary action is a possible outcome.

Whenever a problem is to be referred on, the complainant should be told exactly what they need to do, or what staff will do to refer the matter, and what action the complainant can expect.

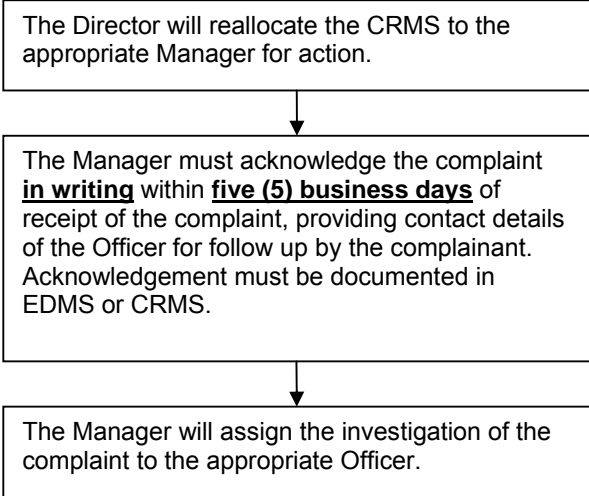
INTERNAL USE ANNEXURE

COMPLAINTS MANAGEMENT POLICY FLOWCHART

STEP 1 – RECEIVING COMPLAINT



STEP 2 – ALLOCATION & TIME FRAMES

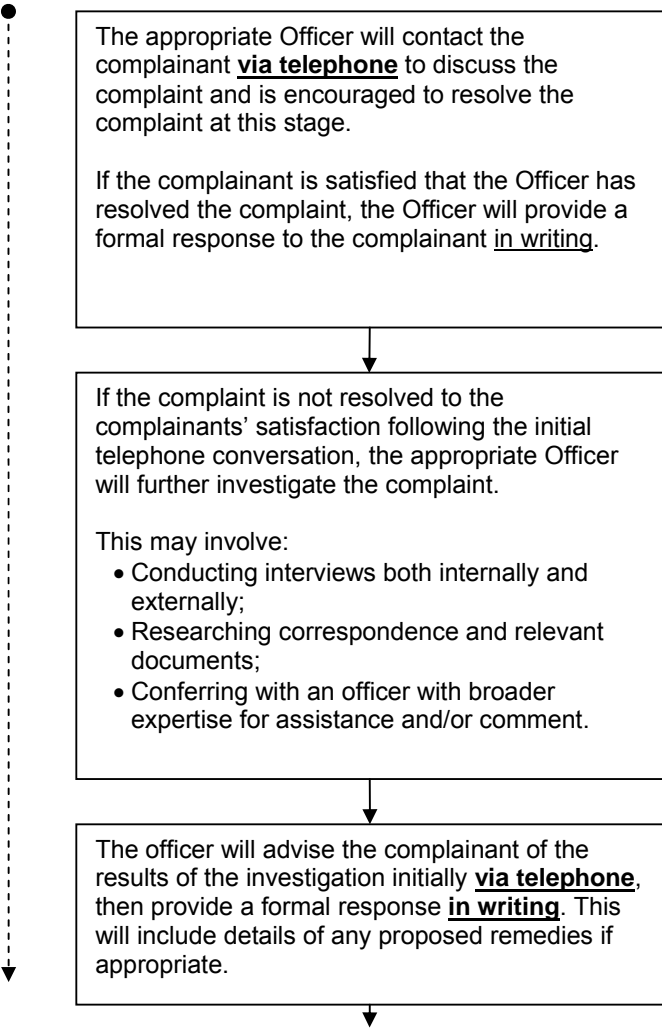


The appropriate Officer must aim to resolve the complaint within **fifteen (15) business days**.

If this time frame can not be met, the Officer must contact the complainant **via telephone** before the time frame expires, advising the reasons for the delay and providing a revised time frame.

STEP 3 – FINALISING THE COMPLAINT

1ST TIER



Ensure that any verbal contact between the Officer and the complainant is recorded in the initial CRMS.

Ensure that all correspondence relating to the complaint is to be recorded in Council's Records Management System (EDMS).

2ND
TIER

Has the complaint been finalized to the satisfaction of the complainant by the initial officer?

No

The complaint escalates to a more senior officer for review (ie Team Leader, Supervisor, Manager, Director). The senior officer should review the complaint to determine the most appropriate means of responding to and/or investigating it.

The senior officer will maintain contact with the complainant **via telephone**, with a formal response to the investigation being provided **in writing**. This will include details of any proposed remedies if appropriate.

Has the complaint now been finalized to the satisfaction of the complainant?

Yes

No

Ensure that any verbal contact between the Officer and the complainant is recorded in the initial CRMS.
Ensure that all correspondence relating to the complaint is to be recorded in Council's Records Management System (EDMS).

If the complaint has escalated through the available senior officers (ie Team Leader, Supervisor, Manager, Director), all options have been exhausted, and has still not been satisfactorily resolved, the complaint escalates to the General Manager for review.

3RD
TIER

If the complaint cannot be resolved to the customer's satisfaction, the complainant will be advised **in writing** and referred to an outside agency such as the Ombudsman or to an alternative dispute resolution procedure.