

PROCEDURE

Name:	Complaint Handling Procedure	
Approval by MANEX / Manager	Date: 28 May 2024	By: MANEX
Last Review Date:	May 2024	
Review Timeframe:	In line with Complaint Handling Policy	
Next Scheduled Review Date:	June 2025	
Related Legislation:	NSW Ombudsman's Complaint Management Framework and Model Policy (June 2015)	
Associated Policies/Documents:	Complaint Handling Policy Code of Conduct Customer Service Charter	
Responsible Department:	Governance (Corporate Services)	

Purpose

This procedure supports Council's Complaints Handling Policy and applies to any complaint made that expresses dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the goods and/or service provided.

Related Documents

- Complaint Handling Policy
- Customer Complaint Form
- Councillor Request Form

Process

Complaints will be managed through a three (3) tier process:

First Tier – Frontline Complaint Handling

- (a) All staff are able to receive complaints;
- (b) A complaint can be received verbally or in writing, including face to face, via telephone, email, submission of written correspondence.
- (c) At the first point of contact the complainant should be encouraged to lodge their complaint using Council's Customer Complaint Form as this ensures the appropriate information is collected for investigation, should it be required and will assist council to report statistically on complaint numbers and types.
- (d) When receiving a complaint by any means other than the Customer Complaint Form, the staff member should note all relevant details in accordance with the Customer Complaint Form.

- (e) Staff receiving a complaint should make every effort to resolve the complaint at the first point of contact (Tier One) and in many cases the very receipt of the complaint resolves the matter. In this case the staff member should refer the record of the complaint to the Governance Department for filing in a central file. Where it is not possible to resolve the complaint at the first point of contact, such as a complex complaint or a complaint about a staff member it should be escalated to Tier Two.
- (f) When resolving the complaint at the first instance (Tier One), the staff member is to provide a response to the complainant. The response may be verbal or in writing and is to be noted with the record of the complaint.
- (g) Where the complaint relates to a Councillor, the Mayor or the General Manager, the matter is to be referred to the Manager Governance.
- (h) Should the staff member be unable to resolve the complaint, because the complaint requires complex investigation or regards serious financial consequence or constitutes a breach of legislation, the complainant must be informed that the matter is being referred for further investigation (Tier Two) and a response will be received within 20 working days of the complaint being referred.
- (i) Complaints alleging pecuniary interest, corrupt conduct, significant breaches of laws/regulations or competitive neutrality issues are to be immediately referred to the Public Officer (Manager Governance) or General Manager who will investigate the issues in accordance with policies and statutory requirements.
- (j) Complaints which include issues relating to personal injury, property damage or other matter which may give rise to a claim against Council are to be dealt with in full consultation with Council's Risk and Insurance Coordinator.

Second Tier – Internal Review or Investigation

- (a) If unresolvable at Tier One, or should the complainant be dissatisfied with the resolution, the matter is to be referred to the relevant Manager, Director or General Manager for further investigation and/or review.
- (b) The complaint is to be reviewed and/or investigated and a response provided to the complainant within 10 working days of the matter being referred.
- (c) A record of the resolution offered is to be recorded with the original complaint.

Third Tier – Review by Independent Staff or External Agencies

- (a) Should the complainant be dissatisfied with the response, they may request that matter may be escalated for review by an independent staff member of at least the same or higher level in the organisation or by an external agent.
- (b) The matter may be referred to a Manager or Director unrelated to the subject matter of the complaint or;
- (c) The complainant may refer the matter to an external agent such as
 - (i) The NSW Ombudsman
 - (ii) Independent Commission Against Corruption
 - (iii) Anti Discrimination Board
 - (iv) Australian Competition and Consumer Commission

- (v) Privacy Commissioner
- (d) A record of the resolution offered is to be recorded with the original complaint.
- (e) There may be cases where Council is unable to resolve the issue to the satisfaction of the complainant (after all the relevant processes have been followed) and is not reasonably in a position to take any further action on the matter. Whilst the complainant can still pursue the matter legally or with other agencies, Council may in certain circumstances (determined by the General Manager or Council), have to consider imposing a limit on communication with the complainant if the same issue continues to be raised. This also applies to vexatious complaints.

Complaints made to Councillors

In many instances complaints are made directly to Councillors rather than to Council Officers. In such cases the complaint needs to be registered and dealt with in accordance with the above processes. Councillors are requested to:

- (a) encourage the complainant to contact the Council office if they have not previously made the complaint to Council so that the matter can be recorded and followed up; and
- (b) record details of the complaint on the standard "Councillor Request Form" or by email and forward it to the General Manager, who will arrange for it to be entered into Councils electronic record system/ Customer Request Management (CRM) system and referred to the appropriate Department for resolution. The Councillor will be subsequently advised of the action taken on the matter.

Definitions

Complaint – an expression of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided.

A complaint in the context of this policy will not include requests for:

- Service;
- reports of infrastructure faults or requests for maintenance of infrastructure;
- information/explanation of Council policies, decisions or procedures (unless there was no response to a previous request); and
- appeals or objections regarding planning applications.

These matters will be dealt with as Customer Service Requests through Council's Customer Request Management (CRM) system.

Complainant – member of the public or organisation making the complaint.

Customer Complaint Form – Template completed by the complainant, or officer, when submitting the complaint.

Officer – includes all employees, agents and representatives of Council.

Review and Revision

This procedure will be reviewed every four years in line with the Complaint Handling Policy.

Responsible Officer / Department / Section

Manager Governance

Attachments

Customer Complaint Form

Councillor Request Form