

DRAFT COMPLAINTS MANAGEMENT POLICY

QUALITY CONTROL			
TRIM REFERENCES	D12/11853 – 12/14		
RESPONSIBLE POSITION	Director Corporate and Community		
APPROVED BY	Council		
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1. INTRODUCTION

This policy is intended to ensure Broken Hill City Council handles complaints fairly, efficiently and effectively.

A complaint is an expression of dissatisfaction. A complaint covered by this policy can be distinguished from Service Requests and Requests for Information.

2. POLICY OBJECTIVE

Council's complaint management system is intended to:

- enable Council to respond to issues raised by people making complaints in a timely and cost-effective way;
- boost public confidence in administrative process; and
- provide information that can be used to deliver quality improvements in Council's services, staff and complaint handling.

This policy provides guidance to Council staff and people who wish to make a complaint on the key principles and concepts of the complaint management system.

3. POLICY SCOPE

This policy applies to all staff receiving or managing complaints from the public made to or about Council, regarding its services, staff and complaint handling.

Staff Grievances, Code of Conduct complaints and Public Interest Disclosures are dealt with through separate mechanisms.

4. POLICY STATEMENT

4.1 GUIDING PRINCIPLES



4.1.1 Facilitate Complaints

People Focus

Council is committed to seeking and receiving feedback and complaints about its services, systems, practices, procedures and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame, in accordance with Council's Complaint Handling Procedure.

People making complaints will be:

- provided with information about Council's Complaint Handling Procedure;
- provided with multiple and accessible ways to make complaints;
- listened to, treated with respect by Council's staff and actively involved in the complaint process where possible and appropriate; and
- provided with reasons for Council's decision(s) and any options for redress or review.

No Detriment to People Making Complaints

Council will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Anonymous Complaints

Council accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

Accessibility

Council will ensure that information about how and where complaints may be made to or about Council is well publicised. Council will ensure that its systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, Council will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (eg advocate, family member, legal or community representative, Member of Parliament, another organisation).

No Charge

There are no fees or charges associated with lodging a complaint to Council.

4.1.2 Responding to Complaints

Early Resolution

Where possible, complaints will be resolved at first contact with Council.

Responsiveness

Council will promptly acknowledge receipt of complaints.

Council will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

Council are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints procedure;
- the expected time frames for action;
- the progress of the complaint and reasons for any delay;
- their likely involvement in the procedure; and
- the possible or likely outcome of their complaint.

Council will advise people as soon as possible when it is unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Council will also advise people as soon as possible when it is unable to meet the time frame for responding to their complaint and the reason for the delay.

Objectivity and Fairness

Council will address each complaint with integrity and in an equitable, objective and unbiased manner.

Council will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about. Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

Responding Flexibly

Council staff are empowered to resolve complaints promptly and with as little formality as possible. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

Confidentiality

Council will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

4.1.3 Manage the Parties to a Complaint

Complaints Involving Multiple Agencies

Where a complaint involves multiple organisations, Council will work with the other organisation(s) where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within Council, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where Council services are contracted out, it is expected that the contracted service providers have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of its staff but also the actions of its service providers.

Complaints Involving Multiple Parties

When similar complaints are made by related parties Council will try to arrange to communicate with a single representative of the group.

Empowerment of Staff

All Council staff managing complaints are empowered to implement the complaint management system as relevant to their role and responsibilities.

Council staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of the complaint management system.

Managing Unreasonable Conduct By People Making Complaints

Council are committed to being accessible and responsive to all people who report feedback or complaints. At the same time Council success depends on:

- the ability to work and perform its functions in the most effective and efficient way possible;
- the health, safety and security of its staff; and
- the ability to allocate resources fairly across all complaints received.

When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of Council's work. As a result, Council will take proactive and decisive action to manage any conduct that negatively and unreasonably affects it and will support its staff to do the same in accordance with this policy.

4.2 COMPLAINT MANAGEMENT SYSTEM



4.2.1 Introduction

When responding to complaints, Council staff should act in accordance with the Complaint Handling Procedure as well as any other internal documents providing guidance on the management of complaints.

Council staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in Council's complaint management system are set out below.

4.2.1.1 Receipt of Complaints

Council will record the complaint and its supporting information. Council will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- the contact information of the person making a complaint;
- issues raised by the person making a complaint and the outcome(s) they want;
- any other relevant information; and
- any additional support the person making a complaint requires.

4.2.1.2 Acknowledgement of Complaints

Council will acknowledge receipt of each complaint promptly, and preferably within two business days.

Consideration will be given to the most appropriate medium (e.g. email, letter, phone call) for communicating with the person making a complaint.

4.2.1.3 Initial Assessment and Addressing of Complaints

Initial Assessment

After acknowledging receipt of the complaint, Council will confirm whether the issue(s) raised in the complaint is/are within Council control. Council will also consider the outcome(s) sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, Council will consider:

- how serious, complicated or urgent the complaint is;
- whether the complaint raises concerns about people's health and safety;
- how the person making the complaint is being affected;
- the risks involved if resolution of the complaint is delayed; and
- whether a resolution requires the involvement of other organisations.

Addressing Complaints

After assessing the complaint, Council will consider how to manage it. To manage a complaint Council may:

- give the person information or an explanation;
- gather information from the person or area that the complaint is about; or
- investigate the claims made in the complaint.

Council will keep the person making the complaint up to date on the progress, particularly if there are any delays. Council will also communicate the outcome of the complaint using the most appropriate medium. Which actions Council decide to take will be tailored to each case and take into account any statutory requirements.

4.2.1.4 Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, Council will contact the person making the complaint and advise them:

- the outcome of the complaint and any action taken;
- the reason(s) for the decision;
- the remedy or resolution(s) proposed or put in place; and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, Council make any adverse findings about a particular individual, it will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing its findings with the person making the complaint.

4.2.1.5 Closing the Complaint, Record Keeping, Redress and Review

Council will keep comprehensive records about:

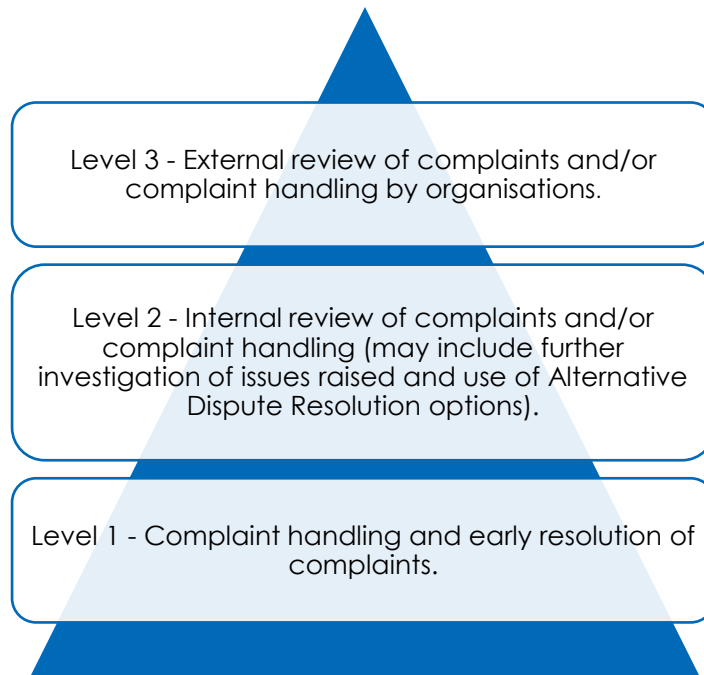
- how the complaint was managed;
- the outcome(s) of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations; and
- any outstanding actions that need to be followed up.

Council will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

4.2.2 Alternative Avenues for Dealing with Complaints

Persons who make a complaint to or about Council will be informed of any internal or external review options available to them such as the Office of Local Government.

4.2.3 The Three Levels of Complaint Handling



Council aims to resolve complaints at the first level. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, Council may decide to escalate the complaint to a more senior officer. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision(s) already made; and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of the decision.

4.3 ACCOUNTABILITY AND LEARNING

4.3.1 Analysis and Evaluation of Complaints

All complaints are recorded in Council's EDRMS to ensure efficient retrieval of information for reporting and analysis.

Quarterly or as requested, reports will be run on the following:

- the number of complaints received;
- the outcome of complaints;
- issues arising from complaints;
- systemic issues identified; and
- the number of requests received for escalation to internal and/or external review.

Analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service delivery and used for continuous improvement.

Reports and analysis will be provided to the General Manager and the Executive Leadership Team for review.

4.3.2 Monitoring of the Complaints Management System

Council will continually monitor its complaint management system to:

- ensure its effectiveness in responding to and resolving complaints; and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

4.3.3 Continuous Improvement

Council are committed to improving the effectiveness and efficiency of the complaint management system. To this end, Council will:

- support the making and appropriate resolution of complaints;
- implement best practices in complaint handling;
- recognise and acknowledge exemplary complaint handling by staff;
- regularly review the complaints management system and complaint data; and
- implement appropriate system changes arising out of the analysis of complaints data and continual monitoring of the system.

5. IMPLEMENTATION

5.1 Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

Who	Commitment	How
General Manager	Provide a culture that values complaints and their effective resolution.	<ul style="list-style-type: none">• Report publicly on Council's complaint handling;• Provide adequate support and direction to key staff responsible for handling complaints;• Regularly review reports about complaint trends and issues arising from complaints;• Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly;• Encourage staff to make recommendations for system improvements;• Recognise and acknowledge good complaint handling by staff; and• Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.

<p>Director Corporate and Community (complaint handling manager)</p>	<p>Establish and manage Council's complaint management system.</p>	<ul style="list-style-type: none"> • Provide regular reports to the General Manager on issues arising from complaint handling work; • Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate; • Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures; • Encourage staff managing complaints to provide suggestions on ways to improve Council's complaint management system; • Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly; and • Recognise and acknowledge good complaint handling by staff.
<p>Complaint Handlers</p>	<p>Demonstrate exemplary complaint handling practices.</p>	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints; • Assist people to make a complaint, if needed; • Comply with this policy and its associated procedures; • Keep informed about best practice in complaint handling; • Provide feedback to management on issues arising from complaints; • Provide suggestions to management on ways to improve Council's complaints management system; and • Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.
<p>All Staff</p>	<p>Understand and comply with Council's complaint handling practices.</p>	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints; • Be aware of Council's complaint handling policies and procedures; • Assist people who wish to make complaints access the Council's complaints process; • Be alert to complaints and assist staff handling complaints to resolve matters promptly; • Provide feedback to management on issues arising from complaints; and • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.

5.2 Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

5.3 Associated Documents

The following documentation is to be read in conjunction with this policy.

- Complaint Handling Procedure
- Customer Experience Strategy
- NSW Ombudsman's Complaint Management Framework and Model Policy 2015

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Director Corporate and Community is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Government Information (Public Access) Act 2009*
- *Public Interest Disclosures Act 2022.*

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Complaints Management Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

'Complaint' - Expression of dissatisfaction made to or about Council, its services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this policy can be distinguished from:

- Staff Grievances (see Council's Grievance Policy);
- Public Interest Disclosures made by Council staff (see Council's Public Interest Disclosures Policy);
- Code of Conduct complaints (see Council's Model Code of Conduct Policy);
- Responses to requests for feedback about the standard of Council's service provision (see the definition of 'Feedback' below);
- Reports of problems or wrongdoing intended to bring a problem to Council's notice with no expectation of a response (see the definition of 'Feedback' below);

- Service Requests (see the definition of 'Service Request' below); and
- Requests for Information (see Council's Access to Information Policy).

'Complaint Management System' - All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

'Dispute' - An unresolved complaint escalated either within or outside of Council.

'Feedback' - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council about its services or complaint handling where a response is not explicitly or implicitly expected or legally required.

'Service Request' - A Service Request is a:

- request for approval;
- request for action;
- routine inquiries about Council's business;
- request for the provision of services and assistance;
- report of failure to comply with laws regulated by Council; or
- request for explanation of Council's policies, procedures and decisions.

'Grievance' - A clear, formal statement by an individual Council staff member about another staff member or a work related problem.

'Policy' - A statement of instruction that sets out how Council will comply with legislated requirements and/or sets strategic directives, to ensure sound governance practices.

'Procedure' - A statement or instruction that sets out how Council's policies will be implemented and by whom.

'Public Interest Disclosure' - A report about wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 2022*.