

Central Darling Shire Council

Title of Policy	Complaints Management Policy		
This applies to	All staff		
Author	Michael Boyd	Date approved:	
Position of Author	General Manager	Authorised by:	
Legislation, Australian Standards, Code of Practice	Local Government Act 1993 Government Information (Public Access) Act 2009 Privacy and Personal Information Protection Act 1998 Public Interest Disclosures Act 1994 Inclosed Lands Protection Act 1901 NSW Ombudsman's Managing Unreasonable Complainant Conduct Practice Manual, 2 nd Edition		
Related Policies/Procedures	Managing Unreasonable Complainant Conduct Policy		

1. Introduction

1.1 Purpose

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

Our complaint management system is intended to:

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

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

1.2 Scope

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

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

1.3 Organisational commitment

This organisation expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	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 reward good complaint handling by staff. Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.

<p>Manager responsible for complaint handling</p>	<p>Establish and manage our complaint management system.</p>	<p>Provide regular reports to the General Manager on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff</p>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
<p>All staff</p>	<p>Understand and comply with Council's complaint handling practices.</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

2. Terms and Definitions

Complaint

Expression of dissatisfaction made to or about us, our 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 our grievance policy]
- public interest disclosures made by our staff [see our internal reporting policy]
- code of conduct complaints [see our code of conduct]
- responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below]
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback']
- service requests [see definition of 'general service request' below], and
- requests for information [see our access to information policy].

Complaint management system

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

Dispute

An unresolved complaint escalated either within or outside of our organisation.

Feedback

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

General service request

Whilst general service requests are not considered a formal complaint under this Policy, they will be included in Council's Customer Request Management System (CRMS) 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, will be forwarded to the appropriate Action Officer and dealt with according to the allocated time frames, as defined in CRMS. 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.

Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem.

Policy

A statement of instruction that sets out how we should fulfil our vision, mission and goals.

Procedure

A statement or instruction that sets out how our 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 1994*.

Guiding principles



3.1 Facilitate complaints

People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiples and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

No detriment to people making complaints

We 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

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

Accessibility

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our 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, we 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 (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

No charge

Complaining to us is free.

3.2 Respond to complaints

Early resolution

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

Responsiveness

We will acknowledge all complaints received in writing within ten (10) working days of receipt, giving contact details of the Council officer who will be responsible for the investigation for follow up by the complainant.

We 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.

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

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are 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).

We will investigate and resolve within twenty eight (28) business days.

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

Objectivity and fairness

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

We 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

Our staff are empowered to resolve complaints promptly and with as little formality as possible.

We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

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

Confidentiality

We 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 the Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.3 Manage the parties to a complaint

Complaints involving multiple agencies

Where a complaint involves multiple organisations, we 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 our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

Complaints involving multiple parties

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

Empowerment of staff

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

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

Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

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

For further information on managing unreasonable conduct by people making complaints please see our policy on managing unreasonable conduct by people making complaints.

3. Complaint management system



4.1 Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

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

The key stages in our complaint management system are set out below.

4.2 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.

4.3 Receipt of complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information.

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 and
- any additional support the person making a complaint requires.

4.4 Initial assessment and addressing of complaints

Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We 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, we 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, we will consider how to manage it. To manage a complaint, we may:

- Give the person making a complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or investigate the claims made in the complaint.

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

4.5 Providing reasons for decisions

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

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have 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, we make any adverse findings about a particular individual, we 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 our findings with the person making the complaint.

4.6 Record keeping, closing the complaint, redress and review

All complaints received will be recorded within CRMS.

In the first instance, the CRMS generated will be sent to the Manager for re-allocation to the most appropriate 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 CRMS by the action officer.

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 the CRMS.

We will keep comprehensive records about:

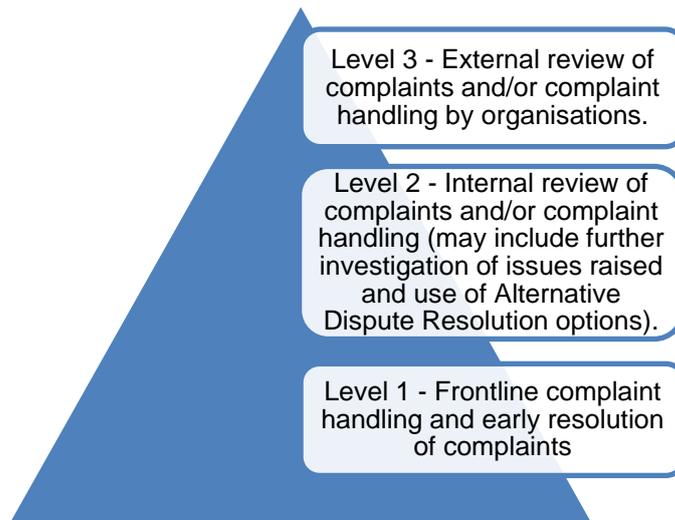
- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up.

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

4.7 Alternative avenues for dealing with complaints

We will inform people who make complaints to or about us about any internal or external review options available to them.

.8 The three levels of complaint handling



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

Where this is not possible, we may decide to escalate the complaint to a more senior officer within Council. 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 our decision (by the Ombudsman for example).

4. Accountability and learning

5.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

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.

5.2 Monitoring of the complaint management system

We will continually monitor our 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.

5.3 Continuous improvement

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

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