



Document Name	Document Version Number	Review Date
Complaints Handling Policy	1.0.4	June 2021
Date Adopted	Minute Number	Status
19 June 2019	5308	Revised

### Purpose

The purpose of this policy is to describe the way in which complaints will be handled to improve the performance of and increase the level of public confidence in Council.

Greater Hume Shire Council aims to provide the best possible service to its customers. Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing community satisfaction.

Complaints generally occur when the expectations of the customer have not been met. This policy has been formulated to ensure all complaints and requests are dealt with in a timely and effective manner, and to ensure that information that can assist the organisation to improve is captured in a form that enables easy and useful analysis.

Effective complaints management benefits the organisation in some important ways:

- it allows the customer to provide input into service delivery and improvement
- we obtain valuable feedback on our performance
- it allows us to identify areas, processes or skills that need improvement
- it gives us a second chance to serve and satisfy, or clarify issues for dissatisfied customers.

### Scope

This policy applies to Councillors and staff at Greater Hume who deal with customers, members of the public, other agencies, service providers, community organisations or other members of staff.

This policy applies to complaints received in all areas of the organisation.

### Definitions

#### **Competitive neutrality:**

The principle that Council businesses should not operate with any unfair competitive advantage.

#### **Complaint:**

An expression of dissatisfaction with Council's level and quality of service, employees, or policies and procedures affecting an individual customer or group of customers.

#### **Compliment:**

A statement of satisfaction about services provided by Council.

#### **Grievance:**

An expression of dissatisfaction by an employee of Council about the way in which they have been treated by another member of staff (including a supervisor).

#### **Protected disclosure:**

An allegation of corrupt conduct, maladministration, and serious and substantial waste that may be subject to the Protected Disclosures Act.

#### **Reportable allegation:**

Inappropriate behaviour that is detrimental to a child or young person. The victim of the inappropriate behaviour must be aged less than 18 years at the time of the incident. Only a reportable allegation in relation to a member of staff constitutes a complaint under this policy.



### **Reportable conduct:**

Assault, ill treatment or neglect, or exposing or subjecting a minor to behaviour that psychologically harms the child. Only reportable conduct in relation to a member of staff constitutes a complaint under this policy.

### **Request:**

A request for the provision of services (including the provision of information), a report about damaged or faulty infrastructure, or a report requiring action by Council's Compliance section eg. noise, pollution, dogs, food premises etc.

### **Policy Content**

#### **Standards for Handling Complaints**

We recognise the value of complaints as an important tool in monitoring and responding to customer and community expectations, and will deal with them in the following way:

#### Our commitment to resolving complaints

- We will take complaints seriously and investigate them thoroughly to achieve a mutual resolution within an agreed timeframe;
- We will provide adequate training, resources and authority to deal with complaints.

#### Our commitment to customer service

- The person dealing with the complaint will provide their name and contact details;
- We will be fair, courteous, respectful and professional in our response;
- We will provide accurate information and advice about a customer's obligations and entitlements;
- We will respect the privacy and confidentiality of information received as much as we can. We cannot, however, guarantee confidentiality because we may have statutory obligations or other information disclosure requirements.

#### What we ask of our customers

- A customer normally needs to provide:
- Full details of their name, address and telephone number before a complaint can be registered, except for those anonymous complaints outlined below;
- Sufficient details for action on the complaint to be undertaken.

### **Defining complaints**

#### **What is a complaint?**

A complaint is any expression of dissatisfaction with Council's:

- **Policies and procedures** – usually related to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure.
- **Employees** – usually related to dissatisfaction with the behaviour of a Council employee.
- **Quality of service** – generally related to the quality of the finished job (eg. not up to an expected standard, poor workmanship) or the length of time taken to complete the job or provide the service (eg. non-compliance with our service standards).

The complaints outlined above fall into the category of general complaints, which are dealt with and resolved inside the organisation. There are other types of complaints, described below, which have external reporting requirements, or may need to be dealt with by an agency other than Council.



### What is not a complaint?

A complaint is not:

- a request for services;
- a request for information or explanation of policies, procedures or decisions of council;
- a request for information regarding Council assets or services;
- an expression concerning the general direction or the performance of Council or its elected representatives;
- reports of hazards (eg. fallen trees), damaged or faulty infrastructure (eg. potholes);
- reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of our services;

Many of the issues above are called ‘complaints’ when a customer contacts us. They are called ‘complaints’ because a customer is unhappy about the situation and wants something done. To us, however, the ‘complaint’ is a **request** for action. The actions we take to resolve many ‘complaints’ are an everyday part of organisational life for us due to the nature of services we provide.

This terminology does not reduce the importance of the issue, nor does it change the actions we will take. It does, however, help us differentiate between a **complaint** and a **request** so that we can register the issue appropriately on our Customer Action Request System.

In general, most ‘true’ complaints, as defined above, are about staff behaviour, quality of service, council policy, or the outcome of a decision.

### Types of complaints

#### General complaints

General complaints cover a wide range of issues that can be resolved inside the organisation. They will be dealt with in accordance with this policy. Each area of council may develop their own specific procedures for dealing with general complaints in relation to the services that they provide.

We will do all we can to resolve a complaint, but there may be times where a decision or outcome cannot be changed, or where a complaint is not justified. Customers who have made a general complaint and are dissatisfied with the outcome can take the matter further by contacting the Department of Local Government, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, or the Anti-Discrimination Board.

We will provide these customers with information about their rights to refer their complaint to another agency, and continue to deal with them in a courteous, respectful and professional manner.

#### Complaints with statutory reporting requirements

There are a range of issues that may need to be dealt with and resolved inside the organisation and may also have external reporting requirements. These include:

##### • **Protected disclosures**

The Protected Disclosures Act 1994 aims to encourage and facilitate the disclosure, in regard to public interest, of corrupt conduct, maladministration and serious and substantial waste. Council’s Protected Disclosures Procedure outlines how Protected Disclosures are to be dealt with and is contained in the Code of Conduct, which is available on Council’s website. The Code of Conduct includes detailed definitions of what constitutes corrupt conduct, maladministration, and serious and substantial waste.

Complaints that may be Protected Disclosures are to be referred to the Protected Disclosure Coordinator who will also notify the General Manager that a protected disclosure has been made.



- **Complaints concerning councillors**

Complaints concerning councillors, including allegations of a breach of the Code of Conduct such as a pecuniary conflict of interest, are to be referred to the General Manager. The Code of Conduct outlines how such complaints are to be dealt with.

- **Allegations under the Child Protection legislation**

Complaints relating to Child Protection are to be dealt with in accordance with Council's Child Protection Policy & Procedures. Complaints with mandatory reporting requirements are reportable allegations and reportable conduct in relation to a member of staff. In accordance with the Child Protection Policy & Procedures, the allegation or conduct must immediately be reported to the Director Corporate Services and General Manager, who must notify the Ombudsman as soon as practicable.

A report of a child at risk, of a reportable allegation, or of reportable conduct to Council, that is not related to a Council policy, service or member of staff, constitutes a request.

- **Competitive neutrality complaints**

Competitive neutrality complaints are to be referred to the Director Corporate Services.

The Local Government Act 1993 requires that Competitive Neutrality Complaints be reported in Council's Annual Report.

- **Privacy complaints**

Complaints relating to privacy and breaches of the Privacy and Personal Information Protection Act 1998 are to be referred to the Privacy Contact Officer who will notify Privacy NSW, the relevant Director and the General Manager. The Privacy Management Plan outlines how these complaints should be dealt with.

- **Grievance complaints**

Grievance complaints are to be referred to the Human Resources Officer, and will be dealt with in accordance with the Grievance Policy.

- **Anonymous Complaints**

While anonymous complaints will be recorded, we will generally only act on them where the matter is relatively serious and there is sufficient information in the complaint to enable an investigation to be undertaken. Anonymous complaints are always to be referred to the relevant Director for a decision as to the nature of any further action to be taken.

Generally only anonymous complaints involving conduct in breach of the Code of Conduct by staff or Councillors, or child protection concerns will be investigated under this policy.

- **Malicious, frivolous and vexatious complaints**

All complaints received by Council will be treated with the utmost seriousness. However if, following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint. A decision to take no further action will be made by a member of staff at the level of Manager or Higher and the complainant will be informed of the decision in writing.

### Recording Complaints

All complaints received by Council will be recorded in Council's electronic document management system and requests will be recorded in Council's Customer Action Request System.

Where a complaint is requesting a service, and there are no prior indications of failure to provide that service to the complainant, the request will be recorded as an 'action request' rather than a complaint.

If Council records indicate that the complainant has made contact with Council on one or more occasions regarding a failure of Council to provide that service, such contact will be recorded as a complaint. Complaints of this nature will be forwarded to the appropriate Departmental supervisor or manager for attention.



### **Confidentiality**

Council will ensure that confidentiality is maintained in regard to complaints received. Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position must ensure that all allegations contained therein, are not discussed other than with the Public Officer and/or General Manager. Council will take all care that the reporting of complaints about Council activities will not result in the complainant experiencing any form of victimisation or retribution as a result of the complaint.

### **Lodging Complaints**

Complaints may be lodged with Council in the following ways:

- By telephone
- In person
- In writing including by email.

### **Links to Policy**

Child Protection Policy & Procedures

Code of Conduct

Grievance Policy & Procedure

National Competition Policy

Bullying & Harassment Policy

Internal Reporting & Public Interest Disclosures Policy

Customer Service Standards

Guarantee of Service Statement

Complaints Against Staff Policy

### **Links to Procedure**

Child Protection Procedure

Grievance Policy & Procedure

Privacy Management Plan

### **Links to Forms**

Nil.

### **References**

Nil.

### **Responsibility**

Director Corporate & Community Services

### **Document Author**

Manager Corporate Services

### **Relevant Legislation**

Children and Young Persons (Care and Protection) Act 1998

Independent Commission Against Corruption Act 1988

Local Government Act 1993

Privacy and Personal Information Protection Act 1998

Protected Disclosures Act 1994

### **Associated Records**

Nil.