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Complaints Handling Policy	1.0.5	June 2023
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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, children services staff including Family Day Care Educators, members of the public, other agencies, service providers/contractors, 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 made to or about an organisation (Council), related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Reference - Australian and New Zealand Standard Guidelines for complaint management in organisations - AS/NZS 10002:2014

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 conduct:

The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900;
- behaviour that causes significant emotional or psychological harm to a child; and
- Any offence under section 43B or 316A of the Crimes Action 1900, whether or not, with the consent of the child.

Reportable Allegation:

A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct.

Reportable Conviction:

A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

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;
- a request for maintenance of council housing and other assets;
- 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.

Children Services have specific procedures to address complaints and feedback regarding centre based and family day care services.

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 and Child Safe requirements. 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 Office of the Children's Guardian within 7 business days of becoming aware of a reportable allegation.

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.

Declining a Complaint

Council may determine not to investigate a complaint that:

- is considered frivolous, vexatious or not made in good faith
- involves a matter where a separate statutory review or appeal process exists eg. development and planning appeals
- relates to conduct before a court, coroner or tribunal
- relates to matters under investigation by external oversight bodies such as the NSW Ombudsman, or NSW Police
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue or internal employee grievances
- relates to a matter awaiting determination by the Council
- relates to the actions or conduct of a private individual; unless it has an impact on the Council
- there is insufficient information available
- the complainant declines or refuses to provide further information
- contains threats made against Councillors or Council officers.

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
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

Links to Procedure

Child Protection Procedure
Grievance Policy & Procedure
Privacy Management Plan
Greater Hume Children Services – Complaints Handling Procedure
Greater Hume Children Services – Complaints Handling Procedure – Family Day Care
Greater Hume Children Services - Complaints Handling Procedure – Centre Based Care

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
Child Protection (Working with Children) Act 2012
Children’s Guardian Act 2019
Independent Commission Against Corruption Act 1988
Local Government Act 1993
Privacy and Personal Information Protection Act 1998
Protected Disclosures Act 1994
Disability Act 2012
Australian Human Rights Commission Act 1986

Associated Records

Record of Complaints
Complaints Register Children Services
Customer Action Request System