

11.3 Policy Review - Complaints

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 16 NOVEMBER 2022 ORDINARY MEETING
GOV400098, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Policy Review - Complaints;**
2. **place the Complaints Policy on exhibition for 28 days to seek feedback from the community; and**
3. **adopt the revised Complaints Policy if no submissions are received during the exhibition period.**

Executive summary

The Complaints policy was last adopted by Council in June 2018 and is due for review in this Council term of office.

The Policy objective is to develop a system that ensures complaints are handled in an appropriate, effective and systematic way whilst increasing the level of community satisfaction.

Disclosure of Interest

Nil

Detailed report

This policy is intended to ensure complaints are handled fairly, efficiently and effectively. The complaint management system will enable staff to respond to issues raised by people making complaints in a timely and cost-effective way, to boost public confidence in the administrative processes and provide information that can be used to deliver quality improvements in services, facilities, staff and overall handling of complaints. This policy provides guidance to Council staff and people who wish to make a complaint on the key principles and concepts of Council's complaint management system.

This policy applies to all staff receiving or managing complaints from the public made to or about Council regarding its services, facilities and staff or the process in which Council have handled a complaint.

Note the revised policy presented to Council now includes a 'triage system' of reviewing potential complaints which involves records staff identifying incoming correspondence that presents criticism. Records staff present this correspondence to Director Community, Manager Customer Service & Governance and Governance Coordinator to assess whether it should be dealt with under the Complaints policy and what Manager should be assigned the complaint.

Since the adoption of the Complaints Policy in June 2018 we have managed 62 complaints across the organisation, with each financial year seeing a reduction in the number of complaints. In 2018/9 we managed 24 complaints, 2019/20 was 16, 2020/21 was 12 and currently for 2021/22 its 10.

Key Changes to the Policy

- Introduction of a 'Triage' team to review and determine if the incoming correspondence is deemed a complaint.
- Ensuring clearer lines of responsibility that aligns to current processes, particularly for the manager assigned to the complaint.
- Updating the scope to exclude complaints specifically about staff, these are to be managed through separate Policies and Procedures.
- Revision of the Policy guidelines and related Policies and Plans.
- Updating roles and responsibilities that aligns to the current organisational chart.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Pursue excellence in service delivery

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Unreasonable Complainants Conduct Policy
Privacy Management Plan

Guidelines

- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014
- NSW Ombudsman Effective Complaint Handling Guidelines, 3rd Edition, February 2017
- Joint publication of the NSW Ombudsman and Department of Local Government Complaints Management in Councils Practice note no. 9, revised July 2009
- NSW Ombudsman Managing Unreasonable Complaint Conduct – a Model Policy and Procedure 2012

Financial implications

Not Applicable

Associated Risks

Without a robust policy that follows the guidelines set out by the NSW Ombudsman, there is a risk that Council will not manage its complaints well. This could lead to a diminishing sense of respect from the community for Council's performance and transparency. There is also the potential in extreme cases for this to also result in legal action against Council.

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

28 October 2022

Attachments: 1. Policy Review - Complaints - Clean Version - Sept 2022.
2. Policy Review - Complaints - With Track Changes - Sept 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



COMPLAINTS POLICY

*A prosperous
and progressive
community*

ADOPTED	VERSION NO	VERSION 2.1
COUNCIL MEETING	REVIEW DATE	
DATE:	FILE NUMBER	CUS600002

Objective

To develop a system that ensures complaints are handled in an appropriate, effective and systematic way whilst increasing the level of community satisfaction.

Guidelines

The development of this policy has been informed by the following:

- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014
- NSW Ombudsman Effective Complaint Handling Guidelines, 3rd Edition, February 2017
- Joint publication of the NSW Ombudsman and Department of Local Government Complaints Management in Councils Practice note no. 9, revised July 2009
- NSW Ombudsman Managing Unreasonable Complaint Conduct – a Model Policy and Procedure 2012

Related policies and plans

- Public Interest Disclosure Internal Reporting Policy
- Access to Information Policy
- Complaints Policy
- Unreasonable Complainants Conduct Policy
- Privacy Management Plan
- Records Management Policy
- Code of Conduct

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1.0 INTRODUCTION

1.1 Purpose

This policy is intended to ensure complaints are handled fairly, efficiently and effectively. The complaint management system will enable staff to respond to issues raised by people making complaints in a timely and cost-effective way, to boost public confidence in the administrative processes and provide information that can be used to deliver quality improvements in services, facilities, staff and overall handling of complaints.

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

1.2 Scope

This policy applies to all staff receiving or managing complaints from the public made to or about Council regarding its services, operations, and facilities or the process in which Council have handled a complaint.

Complaints about staff behaviour, staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate Council policies and procedures.

1.3 Organisational Commitment

All staff at Mid-Western Regional Council are committed to support a fair, effective and efficient complaint handling system.

The following table outlines the nature of the commitment expected from staff and the way that commitment should be supported.

WHO	COMMITMENT	HOW
General Manager and Executive Team	Promote a culture that values complaints and their effective resolution	Report publicly on complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Review quarterly reports about complaints and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints in order to resolve them promptly. Recognise and reward good complaint handling by staff. Support recommendations for service, facility, staff and complaint handling improvements arising from the analysis of complaint data.

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<p>Manager Customer Services & Governance (Public Officer)</p>	<p>Establish and manage our complaint management system.</p>	<p>Provide quarterly reports to the Executive Team on issues arising from complaint handling work.</p> <p>Ensure there is a complaints register available for updating by the management group.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with Executive Team and implemented where appropriate.</p> <p>Train and empower all Managers, Customer Service and Records staff to resolve complaints promptly and in accordance with Mid-Western Regional Council's related 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 in order to resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
<p>Director Community, Manager Customer Service & Governance, Coordinator Governance</p>	<p>Triage of incoming potential complaints</p>	<p>Undertake the initial assessment of potential complaints that would be managed under this policy and assign to the appropriate Manager to investigate and respond.</p> <p>Ensure that any potential conflict of interest or bias is declared and handled appropriately.</p>
<p>Managers</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Responsible for receiving, resolving and documenting details on all complaints registered within their department.</p> <p>Acknowledge receipt of the complaint with the complainant and advise them of the process and timelines</p> <p>Treat all people with respect, including people who make complaints.</p> <p>Assist people to make/lodge a complaint (if needed).</p> <p>Ensure the complaints register is updated with details from complaints in their department.</p> <p>Comply with this policy and its associated</p>

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		<p>procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to Directors on issues arising from complaints.</p> <p>Provide suggestions to Manager CS & Gov 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 the Executive Team.</p>
Customer Service staff	Understand and comply with Mid-Western Regional Council's complaint handling policy and procedures.	<p>Treat all people with respect, including people who make/lodge complaints.</p> <p>Comply with this policy and its associated procedures.</p> <p>Provide feedback to Manager Customer Services & Governance on issues arising from complaints.</p> <p>Assist people who wish to make complaints and inform them about Mid-Western Regional Council's complaints process.</p>
All staff	Supports Mid-Western Regional Council's complaint handling policy and procedures.	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people who wish to make complaints access the Midwestern Regional Council's complaints process by referring them to Councils Customer Service staff.</p> <p>Note any complaints over the phone or in person received in Customer Service should be directed to the Manager or Coordinator in People and Performance.</p> <p>Assist staff handling complaints to resolve matters promptly.</p> <p>Implement changes from management that have resulting from individual complaints and analysis and evaluation of complaint data.</p>

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2.0 TERMS AND 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:

- Specific complaints about an individual staff member's behaviour
- Staff grievances
- Public interest disclosures made by Council staff
- Code of conduct complaints
- Responses to requests for feedback about the standard of our service provision
- Reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response
- Service requests
- Requests for information (Formal GIPA or Informal)

COMPLAINT MANAGEMENT SYSTEM: All policies, procedures, practices, staff, hardware and software used by Council staff in the management of complaints.

DISPUTE: An unresolved complaint escalated either within or outside the organisation.

FEEDBACK: Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council staff, Councils services, facilities or complaint handling where a response is not explicitly or implicitly expected or legally required.

SERVICE REQUEST: The definition of a service request is likely to include:

- Requests for approval.
- Requests for action.
- Routine inquiries about the organisation's business.
- Requests for the provision of services and assistance.
- Requests for explanation of policies, procedures and decisions.

POLICY: A statement of instruction that sets out how Council staff should fulfil its vision, mission and goals.

PROCEDURE: A statement or instruction that sets out how Council policies will be implemented and by whom.

PUBLIC INTEREST DISCLOSURE: A report about a wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.

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3.0 GUIDING PRINCIPLES



3.1 Facilitate Complaints

PEOPLE FOCUS

Council staff are committed to seeking and receiving feedback and complaints about Councils facilities, 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 Councils complaint handling process.
- Provided with multiple and accessible ways to make complaints.
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.
- Provided with reasons for Councils decision/s and any options for redress or review.

The Manager assigned to manage a complaint will formally respond to the complainant within 14 days of the complaint being received by the Council. The Manager will acknowledge receipt of the complaint, informing the complainant who is managing the complaint and what the process to be followed for handling the complaint is.

NO DETRIMENT TO PEOPLE MAKING COMPLAINTS

Council staff 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 can accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. In some circumstances Council can deal with anonymous complaints however these can prove difficult where limited information is provided.

ACCESSIBILITY

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

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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 (e.g. advocate, family member, legal or community representative, Member of Parliament or another organisation).

3.2 Respond to Complaints

EARLY RESOLUTION

Where possible, complaints will be resolved at first contact with the relevant departmental manager. If a complaint is resolved at the first point of contact that manager who received and addressed the complaint is required to make a file note in Council's records management system.

RESPONSIVENESS

Once identified as a complaint by the triage team the manager assigned will promptly acknowledge receipt of the complaint with the complainant.

If the matter is urgent and is deemed a complaint, it should also be referred to relevant department or manager (e.g. safety issues should be reported to WHS)

The manager assigned to the complaint 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.
- The possible or likely outcome of their complaint.

The manager assigned will advise people as soon as possible when Council 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).

The manager assigned will also advise people as soon as possible when Council are unable to meet our time frames for responding to their complaint and the reason for our delay.

OBJECTIVITY AND FAIRNESS

The manager assigned will address each complaint with integrity and in an equitable, objective and unbiased manner.

The manager assigned 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

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other than the original decision maker.

RESPONDING FLEXIBLY

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

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

3.3 Confidentiality

The manager assigned, the triage team and the Records staff 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 Mid-Western Regional Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.4 Manage the Parties to a Complaint

COMPLAINTS INVOLVING MULTIPLE AGENCIES OR AREAS

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 our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Should a third party need to be contacted to resolve a complaint then the relevant Director should be informed.

Where our services are contracted out, Council expects contracted service providers to have a complaint management system. Council will take complaints not only about the actions of its staff but also the actions of contractors/service providers.

COMPLAINTS INVOLVING MULTIPLE PARTIES

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

MANAGING UNREASONABLE CONDUCT BY PEOPLE MAKING COMPLAINTS

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Council staff are committed to being accessible and responsive to all people who approach Council with feedback or complaints. At the same time Councils success in this area depends on:

- Council's ability to do work and perform its functions in the most effective and efficient way possible.
- The health, safety and security of its staff.
- Its ability to allocate our resources fairly across all the complaints that are received.

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

Customer Service staff should escalate any complainant they find is being unreasonable to either the Manager Customer Services & Governance, the Governance Coordinator or the Director Community (triage team). Customer Service staff will receive training to assist them to manage difficult complainants. Complainants will always be treated respectfully and in a courteous manner.

4.0 COMPLAINT MANAGEMENT SYSTEM



Introduction

When responding to complaints, staff should act in accordance with our Complaints Policy as well as any other internal documents providing guidance on the management of complaints, including the manual for 'Managing Unreasonable Complainant Conduct'.

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

4.1 Receipt of Complaints

4.1.1 Verbal/Electronic Complaints

Council staff aim to manage complaints and feedback when they are received. Face to face, telephone and emailed customer complaints may be received by Councils front line staff in the first instance.

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4.1.2 Written Complaints

Written complaints and feedback received by Council in writing will be assessed by the Triage team and appropriately assigned to a Department Manager or Director.

We will also assign a unique identifier to the complaint file in ELO. The Department Manager responsible for the complaint will inform their Director or GM that the complaint has been received and is being managed.

It is the responsibility of Managers to keep Directors and Executive staff informed of complaint management occurring at that time.

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 seek.
- Any other relevant information.
- Any additional support the person making a complaint requires.

4.2 Acknowledgement of Complaints

We will acknowledge receipt of each complaint promptly, and preferably within fourteen (14) working days.

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

4.3 Initial Assessment and Addressing of Complaints

4.3.1. INITIAL ASSESSMENT

After acknowledging receipt of the complaint, the manager assigned to the complaint will confirm whether the issue/s raised in the complaint is within Council's control. The manager assigned 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, the manager assigned should consider:

- How serious, complicated or urgent the complaint appears.
- 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.
- Whether a resolution requires the involvement of other organisations.

4.3.2. ADDRESSING COMPLAINTS

After assessing the complaint, the manager assigned will consider how to manage it. To manage a complaint the manager assigned may,

- Give the person making a complaint information or an explanation.

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- Gather information from the person or area that the complaint is about.
- Investigate the claims made in the complaint.

The manager assigned will keep the person making the complaint up to date on our progress, particularly if there are any delays. The actions Council decide to take will be tailored to each case and take into account any statutory requirements.

4.4 Providing Reasons for Decisions

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

- The outcome of the complaint and any action Council took.
- The reason/s for our decision.
- The remedy or resolution/s that Council have proposed or put in place.
- 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, if the manager assigned makes any adverse findings about a particular individual, they should 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.

4.5 Closing the Complaint, Record Keeping, Redress and Review

The manager assigned 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).
- Any outstanding actions that need to be followed up.

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

4.6 Alternative Avenues for Dealing with Complaints

The manager assigned will inform people who make complaints about the internal review options and also external review options available to them.

Mid-Western Regional Council will in the first instance manage complaints at the managerial level. This will enable complainants to appeal any dissatisfaction internally to Directors or the General Manager. Dissatisfied complainants are encouraged to appeal internally as their first recourse.

Complainants can also appeal externally. The key agencies for external appeals are:

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*Investigations & Review Branch
Division of Local Government
Premiers Department
Locked Bag 3015
NOWRA NSW 2541*

*Telephone: (02) 4428 4100
Facsimile: (02) 4428 4199*

*Independent Commission Against Corruption
Level 7, 255 Elizabeth Street
SYDNEY NSW 2000*

*Telephone: (02) 8281 5999
Toll Free: 1800 463 909*

*The Office of the
Ombudsman Level 24
580 George Street
SYDNEY NSW 2000*

*Telephone: (02) 9286 1000
Toll Free: 1800 451 524*

4.7 Levels of Complaint Handling

Councils Records Team will task the Director Community, Manager Customer Service & Governance and the Governance Coordinator with inward correspondence that potentially appears to present a complaint for an initial assessment (triage) and assignment to the appropriate Manager for investigation and response.

This level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision/s already made.
- 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 the Council's actions they should appeal to the General Manager. The General Manager will ask the Executive or the Public Officer to review the complaint, the actions already taken and report back for a response to the complainant.

4.8 Allegations of Corrupt Conduct

Under section 11 of the ICAC Act, a principal officer of a NSW public authority has a duty to report to the Commission any matter where there is a reasonable suspicion that corrupt conduct has occurred or may occur.

The principal officers are the General Manager and the Mayor of the council.

Reasonable grounds for suspicion mean there is a real possibility that corrupt conduct is, or may be, involved. No proof is required. If, as a principal officer, you are uncertain about whether or not to report a matter under section 11, please contact the ICAC's Manager Assessments on 02 8281 5786. In general, the ICAC encourages principal officers to err on the side of caution and report the matter.

The ICAC Act contains no provision permitting delay in reporting. To delay can result in the loss of investigative opportunities to the ICAC. The duty to report overrides any duty of

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confidentiality. As it is a statutory duty, a principal officer is protected in making such a report from any civil or criminal liability.

All reports and complaints regarding suspected corrupt conduct are considered by a panel of senior ICAC officers, who make decisions about what action the Commission will take.

Reporting a matter to the ICAC under section 11 does not affect any obligations to report the matter to bodies such as the NSW Police Force, Auditor-General or NSW Ombudsman or to be prepared to carry out any warranted disciplinary action.

Once a section 11 report has been submitted, you should generally wait until you have received the ICAC's decision prior to taking any further steps. This is because if the ICAC decides to take action, any steps taken by the reporting agency may hamper the ICAC's possible actions. If you would like to take certain steps but are yet to hear from the ICAC, please contact the Manager Assessments on 02 8281 5786 to discuss the status of your reported matter and whether those proposed steps can be taken.

5.0 ACCOUNTABILITY AND LEARNING

5.1 Analysis and Evaluation of Complaints

The Executive and the Manager Customer Services & Governance will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Quarterly reports to the Executive will be run on:

- The number of complaints received.
- The outcome of complaints, including matters resolved at the Customer Service.
- Issues arising from complaints.
- Systemic issues identified.
- The number of requests Council receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and ensure continued improvement.

Reports will be provided to the Executive on a regular basis for review.

5.2 Monitoring of the Complaint Management System

The Manager Customer Services & Governance will routinely monitor our complaint management system to:

- Ensure its effectiveness in responding to and resolving complaints.
- Identify and correct anomalies in the operation of the system.

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

5.3 Continuous Improvement

The Executive and Manager Customer Services & Governance are committed to improving the effectiveness and efficiency of our complaint management system. To this end, they 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.
- Implement appropriate system changes arising out of our analysis of complaints data.



COMPLAINTS POLICY

*A prosperous
and progressive
community.*

ADOPTED	VERSION NO	A0140320 VERSION 1.02.1A0140320
COUNCIL MEETING	REVIEW DATE	
DATE:	FILE NUMBER	A0140320CU5000002

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Guidelines

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- ~~Victorian Ombudsman Councils and Complaints – Good Practice Guide for Public Agencies, September 2016~~
- Joint publication of the NSW Ombudsman and Department of Local Government Complaints Management in Councils Practice note no. 9, revised July 2009
- ~~Ombudsman Western Australia Guidelines on Complaint Handling, January 2017~~
- ~~Commonwealth Ombudsman Better Practice Guide to Complaint handling 1, April 2009~~
- ~~NESTA Grumbles Gripes and Grievances The Role of Complaints in Transforming Public Services, April 2013~~
- ~~Scottish Public Services Ombudsman SPSO Statement of Complaint handling Principles, 2014~~
- ~~The British and Irish Ombudsman Association Guide to Principles of good complaint handling, 2007~~
- NSW Ombudsman Managing Unreasonable Complaint Conduct – a Model Policy and Procedure 2012
- ~~Victorian Ombudsman Good Practice Guide, November 2007~~
- ~~Disability Services Commissioner Victoria Good Practice Guide and Self Audit Tool, 2nd Ed. 2013.~~

Related policies and plans

- ~~Mid-Western Regional Council Public Interest Disclosure Internal Reporting Policy 2015~~
- ~~Mid-Western Regional Council Access to Information Policy 2015~~
- ~~Mid-Western Regional Council Complaints Policy 2013~~
- ~~Mid-Western Regional Council Problematic Complainants Unreasonable Complainants Conduct Policy 2013 ??~~
- ~~Mid-Western Regional Council Privacy Management Plan April 2010~~
- ~~Mid-Western Regional Council Records Management Policy May 2017~~
- [Code of Conduct](#)

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1.0 Introduction

1.1 Purpose

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

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~~Complaints about staff behaviour, s~~Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate Council policies ~~and procedures.~~

1.3 Organisational Commitment

All staff at Mid-Western Regional Council are committed to support a fair, effective and efficient complaint handling system.

The following table outlines the nature of the commitment expected from staff and the way that commitment should be supported.

WHO	COMMITMENT	HOW
General Manager and Executive Team	Promote a culture that values complaints and their effective resolution	Report publicly on Midwestern Regional Council's complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly R review quarterly reports about complaints and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints in order to resolve them promptly. Encourage staff to make recommendations for system improvements. Recognise and reward good complaint handling by staff. Support recommendations for service, facility,

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		staff and complaint handling improvements arising from the analysis of complaint data.
Public Officer (Manager Customer Service & Governance (Public Officer) Manager or designate)	Establish and manage our complaint management system.	<p>Provide regular quarterly reports to the Executive Team on issues arising from complaint handling work.</p> <p>Ensure there is a complaints register available to view by all staff and available for updating by the management group.</p> <p>Ensure the complaints register is known to all staff and actively encourages its use</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with Executive Team and implemented where appropriate.</p> <p>Train and empower all Managers, Customer Service and Records staff to resolve complaints promptly and in accordance with Mid-Western Regional Council's related 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 in order to resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
Director Community Manager Customer Service & Governance Coordinator Governance	Triage of incoming potential complaints	<p>Undertake the initial assessment of potential complaints that would be managed under this policy and assign to the appropriate Manager to investigate and respond.</p> <p>Ensure that any potential conflict of interest or bias is declared and handled appropriately.</p>
Managers	Demonstrate exemplary complaint handling practices	<p>Responsible for receiving, resolving and documenting details on all complaints registered within their department</p> <p>Acknowledge receipt of the complaint with the complainant and advise them of the process and timelines</p> <p>Treat all people with respect, including people who make complaints.</p>

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		<p>Assist people to make/lodge a complaint (if needed).</p> <p>Ensure the complaints register is updated with details from complaints in their department.</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 Directors on issues arising from complaints.</p> <p>Provide suggestions to Manager CS & Gov 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 the Executive Team.</p>
Customer Service staff	Understand and comply with Mid-Western Regional Council's complaint handling policy and procedures.	<p>Treat all people with respect, including people who make/lodge complaints.</p> <p>Comply with this policy and its associated procedures.</p> <p>Provide feedback to Manager Customer Services & Governance on issues arising from complaints.</p> <p>Assist people who wish to make complaints and inform them about Mid-Western Regional Council's complaints process.</p> <p>Implement changes from management that have resulting from individual complaints and analysis and evaluation of complaint data.</p>
All staff	Supports Mid-Western Regional Council's complaint handling policy and procedures.	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people who wish to make complaints access the Midwestern Regional Council's complaints process by referring them to Council's Customer Service staff.</p> <p>Note any complaints over the phone or in person received in Customer Service should be directed to the Manager or Coordinator in People and Performance.</p> <p>Assist staff handling complaints to resolve matters promptly.</p> <p>Implement changes from management that have resulting from individual complaints and analysis and evaluation of complaint data.</p>

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2.0 Terms and 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:

- [Specific complaints about an individual staff member's behaviour](#)
- Staff grievances
- Public interest disclosures made by Council staff
- Code of conduct complaints
- Responses to requests for feedback about the standard of our service provision
- Reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response
- [Service- Service](#) requests
- Requests for information [\(Formal GIPA or Informal\)](#)

COMPLAINT MANAGEMENT SYSTEM: All policies, procedures, practices, staff, hardware and software used by Council staff in the management of complaints.

DISPUTE: An unresolved complaint escalated either within or outside the organisation.

FEEDBACK: Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council staff, Councils services, facilities or complaint handling where a response is not explicitly or implicitly expected or legally required.

SERVICE REQUEST: The definition of a service request is likely to include:

- Requests for approval.
- Requests for action.
- Routine inquiries about the organisation's business.
- Requests for the provision of services and assistance.
- Requests for explanation of policies, procedures and decisions.

POLICY: A statement of instruction that sets out how Council staff should fulfil its vision, mission and goals.

PROCEDURE: A statement or instruction that sets out how Council policies will be implemented and by whom.

PUBLIC INTEREST DISCLOSURE: A report about a wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.

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3.0 Guiding Principles



3.1 Facilitate Complaints

PEOPLE FOCUS

Council staff are committed to seeking and receiving feedback and complaints about Councils facilities, 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 Councils complaint handling process.
- Provided with multiple and accessible ways to make complaints.
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.
- Provided with reasons for Councils decision/s and any options for redress or review.

The Manager assigned to manage a complaint will formally respond to the complainant within 14 days of the complaint being received by the Council. The Manager will acknowledge receipt of the complaint, informing the complainant who is managing the complaint and what the process to be followed for handling the complaint is.

NO DETRIMENT TO PEOPLE MAKING COMPLAINTS

Council staff 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 can accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. In some circumstances Council can deal with anonymous complaints however these can prove difficult where limited information is provided.

ACCESSIBILITY

We will ensure that information about how and where complaints may be made to or about us is well publicised. Council will ensure that our systems to manage complaints are easily understood

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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 (e.g. advocate, family member, legal or community representative, Member of Parliament or another organisation).

3.2 Respond to Complaints

EARLY RESOLUTION

Where possible, complaints will be resolved at first contact with the relevant departmental manager. If a complaint is resolved at the first point of contact that manager who received and addressed the complaint is required to make a file note in Council's records management system, (ELO) using the folder in Customer Service – Public Reaction (A0310036).

RESPONSIVENESS

Council staff Once identified as a complaint by the triage team the manager assigned will promptly acknowledge receipt of the complaints with the complainant.

Council staff 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 from Customer Service staff to the appropriate Manager. If the matter is urgent and is deemed a complaint, it should also be referred to relevant department or manager (e.g. safety issues should be reported to WHS)

Council staff The manager assigned to the complaint 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.
- The possible or likely outcome of their complaint.

Council staff The manager assigned will advise people as soon as possible when Council 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).

Council staff The manager assigned will also advise people as soon as possible when Council are unable to meet our time frames for responding to their complaint and the reason for our delay.

OBJECTIVITY AND FAIRNESS

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

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

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

3.3 Confidentiality

Council staff The manager assigned, the triage team and the Records staff 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 Mid-Western Regional Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

3.4 Manage the Parties to a Complaint

COMPLAINTS INVOLVING MULTIPLE AGENCIES OR AREAS

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 our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Should a third party need to be contacted to resolve a complaint then the relevant Director should be informed.

Where our services are contracted out, Council expects contracted service providers to have a

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complaint management system. Council will take complaints not only about the actions of its staff but also the actions of contractors/service providers.

COMPLAINTS INVOLVING MULTIPLE PARTIES

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

MANAGING UNREASONABLE CONDUCT BY PEOPLE MAKING COMPLAINTS

Council staff are committed to being accessible and responsive to all people who approach Council with feedback or complaints. At the same time Councils success in this area depends on:

- Council's ability to do work and perform its functions in the most effective and efficient way possible.
- The health, safety and security of its staff.
- Its ability to allocate our resources fairly across all the complaints that are received.

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

Customer Service staff should escalate any complainant they find is being unreasonable to an appropriate Manager or the Governance Manager/Designate to either the Manager Customer Services & Governance, the Governance Coordinator or the Director Community (triage team). Customer Service staff will receive training to assist them to manage difficult complainants. Complainants will always be treated respectfully and in a courteous manner.

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4.0 Complaint Management System



Introduction

When responding to complaints, staff should act in accordance with our Complaints Policy as well as any other internal documents providing guidance on the management of complaints, including the ~~above-mentioned~~ manual for 'Managing Unreasonable Complainant Conduct'.

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

5.1 Receipt of Complaints

4.1.1 Verbal/Electronic Complaints

Council staff aim to manage complaints and feedback when they are received. Face to face, telephone and emailed customer complaints ~~will~~ may be received by Councils front line staff in the first instance.

4.1.2 Written Complaints

Written complaints and feedback received by Council in writing will be assessed by the Triage team records staff and appropriately assigned to a Department Manager or Director.

We will also assign a unique identifier to the complaint file in ELO. The Department Manager responsible for the complaint will inform their Director or GM that the complaint has been received and is being managed.

It is the responsibility of Managers to keep Directors and Executive staff informed of complaint management occurring at that time.

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 seek.
- Any other relevant information.
- Any additional support the person making a complaint requires.

5.2 Acknowledgement of Complaints

We will acknowledge receipt of each complaint promptly, and preferably within fourteen (14) working days.

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

5.3 Initial Assessment and Addressing of Complaints

4.3.1. INITIAL ASSESSMENT

After acknowledging receipt of the complaint, Council staff The manager assigned to the complaint will confirm whether the issue/s raised in the complaint is within Council's control. Council staff The manager assigned 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 staff the manager assigned will should consider:

- How serious, complicated or urgent the complaint appears.
- 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.
- Whether a resolution requires the involvement of other organisations.

4.3.2. ADDRESSING COMPLAINTS

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

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

Council staff The manager assigned will keep the person making the complaint up to date on our progress, particularly if there are any delays. The actions Council decide to take will be tailored to each case and take into account any statutory requirements.

4.4 Providing Reasons for Decisions

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

- The outcome of the complaint and any action Council took.
- The reason/s for our decision.
- The remedy or resolution/s that Council have proposed or put in place.
- 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, if Council staff the manager assigned makes any adverse findings about a particular individual, they should consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions

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in or made pursuant to that Act, before sharing its findings with the person making the complaint.

4.5 Closing the Complaint, Record Keeping, Redress and Review

Council staff ~~The manager assigned~~ 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).
- Any outstanding actions that need to be followed up.

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

4.6 Alternative Avenues for Dealing with Complaints

Council staff ~~The manager assigned~~ will inform people who make complaints about the internal review options and also external review options available to them.

Mid-Western Regional Council will in the first instance manage complaints at the **Customer Service** ~~or~~ managerial level. This will enable complainants to appeal any dissatisfaction internally to Directors or the General Manager. Dissatisfied complainants are encouraged to appeal internally as their first recourse.

Complainants can also appeal externally. The key agencies for external appeals are:

*Investigations & Review Branch
Division of Local Government
Premiers Department
Locked Bag 3015
NOWRA NSW 2541*

*Telephone: (02) 4428 4100
Facsimile: (02) 4428 4199*

*Independent Commission Against Corruption
[GPO-Box-500 Level 7, 255 Elizabeth Street](#)
SYDNEY NSW 2000*

*Telephone: (02) 8281 5999
Toll Free: 1800 463 909
~~Facsimile: (02) 9264 5364~~*

*The Office of the
Ombudsman Level 24
580 George Street
SYDNEY NSW 2000*

*Telephone: (02) 9286 1000
Toll Free: 1800 451 524*

4.7 Levels of Complaint Handling

[Councils Records Team will task the Director Community, Manager Customer Service & Governance and the Governance Coordinator with inward correspondence that potentially](#)

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~~appears to present a complaint for an initial assessment (triage) and assignment to the appropriate Manager for investigation and response.~~

~~Council staff aim to identify complaints at the Customer Service level where possible (level 1). Customer service staff should be adequately trained to identify and acknowledge complaints at the counter or over the phone. Customer Service staff should then, after identifying the complaint, escalate it to the Manager of the appropriate area.~~

~~Written complaints will be assessed by Records staff and appropriately referred to the relevant Manager. Records staff will be trained to undertake the initial assessment of complaints so that they are appropriately referred. It is the Managers responsibility to keep Directors informed that they are managing a complaint.~~ This level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision/s already made.
- 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 the Council's actions they should appeal to the General Manager. The General Manager will ask a **Director Executive** or the Public Officer to review the complaint, the actions already taken and report back for a response to the complainant.

4.8 Allegations of Corrupt Conduct

Under section 11 of the ICAC Act, a principal officer of a NSW public authority has a duty to report to the Commission any matter where there is a reasonable suspicion that corrupt conduct has occurred or may occur.

The principal officers are the General Manager and the Mayor of the council.

Reasonable grounds for suspicion mean there is a real possibility that corrupt conduct is, or may be, involved. No proof is required. If, as a principal officer, you are uncertain about whether or not to report a matter under section 11, please contact the ICAC's Manager Assessments on 02 8281 5786. In general, the ICAC encourages principal officers to err on the side of caution and report the matter.

The ICAC Act contains no provision permitting delay in reporting. To delay can result in the loss of investigative opportunities to the ICAC. The duty to report overrides any duty of confidentiality. As it is a statutory duty, a principal officer is protected in making such a report from any civil or criminal liability.

All reports and complaints regarding suspected corrupt conduct are considered by a panel of senior ICAC officers, who make decisions about what action the Commission will take.

Reporting a matter to the ICAC under section 11 does not affect any obligations to report the matter to bodies such as the NSW Police Force, Auditor-General or NSW Ombudsman or to be prepared to carry out any warranted disciplinary action.

Once a section 11 report has been submitted, you should generally wait until you have received the ICAC's decision prior to taking any further steps. This is because if the ICAC

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decides to take action, any steps taken by the reporting agency may hamper the ICAC's possible actions. If you would like to take certain steps but are yet to hear from the ICAC, please contact the Manager Assessments on 02 8281 5786 to discuss the status of your reported matter and whether those proposed steps can be taken.

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SECTION 11 CHECKLIST

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Please ensure a section 11 report includes:

- A complete description of the allegations.
- The full name, date of birth and position of any public official/s alleged to be involved.
- The name of the person/s who made the allegation/s.
- The name and role of anyone relevant to the matter.
- The date and/or time frame in which the alleged corrupt conduct occurred.
- An indication as to whether the conduct appears to be a one-off event or part of a wider pattern or scheme.
- The date the allegation was made and/or the date you became aware of it.
- How your agency became aware of the matter.
- What your agency has done about the suspected conduct, including notification to any other agency, e.g. NSW Police Force, NSW Ombudsman's Office.
- What action you propose to take and why.
- The approximate amount of money or value of resources involved, if any.
- Any other indicators of seriousness.
- If the allegation arose from information provided by an employee or independent contractor, whether your agency is treating the matter as a public interest disclosure.
- Any other information you consider relevant.
- The name and contact details of the appropriate contact officer.
- Any documents that are relevant to the matter.

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5.0 Accountability and Learning

5.45.1 Analysis and Evaluation of Complaints

The [Public Officer/Governance Manager/Director Executive and the Manager Customer Services & Governance](#) will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular [Quarterly reports to the Executive](#) will be run on:

- The number of complaints received.
- The outcome of complaints, including matters resolved at the Customer Service.
- Issues arising from complaints.
- Systemic issues identified.
- The number of requests Council receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and ensure continued improvement.

Reports will be provided to the [Executive Management Team](#) on a regular basis for review.

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5.55.2 Monitoring of the Complaint Management System

The [Public Officer/Governance Manager/Director Manager Customer Services & Governance](#) will routinely monitor [our Councils](#) complaint management system to:

- Ensure its effectiveness in responding to and resolving complaints.
- Identify and correct anomalies in the operation of the system.
- Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools or alerts.

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5.65.3 Continuous Improvement

The [Public Officer/Governance Manager/Director Executive and Manager Customer Services & Governance](#) are committed to improving the effectiveness and efficiency of our complaint management system. To this end, they 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.
- Implement appropriate system changes arising out of our analysis of complaints data, [and continual monitoring of the system.](#)

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