





Murrumbidgee
COUNCIL

Complaints Management Policy

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Background

The Complaints Management Policy clearly sets out Council's system of complaints management at Murrumbidgee Council, to ensure that concerns are treated seriously and that complaints are addressed promptly and in a fair manner.

This policy concerns complaints about Murrumbidgee Council's service delivery as distinct from matters such as reporting corruption or misconduct of elected officials. Murrumbidgee Council has adopted the *Model Council Code of Conduct*, which includes procedures for reporting and investigation of breaches of the code of conduct by Councillors and Council staff.

Objective

The objective of this policy is to define and detail the nature of complaints and how they are managed by Council. The complaints management policy details:

1. The process for lodging complaints.
2. Types of complaints.
3. The three-tier complaint handling system which includes internal and external reviews.
4. Managing unreasonable complainant conduct.

Roles & Responsibilities

All Council staff have an individual duty of care for the delivery of quality customer service. All Council Officials are responsible for ensuring compliance with this policy and related legislation and procedures.

Council's Complaints Coordinator is responsible for investigating complaints, recommending outcomes and appropriate method(s) of redress to the General Manager. The Complaints Coordinator will call upon specialised staff with technical expertise to assist in matters that require technical guidance. For the purposes of Murrumbidgee Council's Complaints Management process, the Complaints Coordinator shall be the Assistant General Manager Corporate and Community Services.

The General Manager is responsible for the implementation of the Complaints Management Policy.

Scope

This policy applies to all Murrumbidgee staff, Councillors and other Council Officials.

Definitions

Complaint - A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

Council official - Council officials include Councillors, member of council staff and delegates of Council. A delegate of Council is a person or body to whom a function of Council is delegated, such as staff, Councillors, community representatives, volunteers, consultants and contractors.

Conduct Review Committee - the Conduct Review Committee is appointed by resolution of Council as persons independent of Council to act as reviewers into complaints made under the Murrumbidgee Council Code of Conduct.

Formal Complaint - Formal complaints are those that are of a serious nature such as those described in Clause "Complaints Involving Allegations of Maladministration or Corrupt Conduct".

Malicious Complaints - A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).

Vexatious Complaints - Complaints that are not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

Complaints Generally

A complaint by definition is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

A complaint does not include:

- a request for Council services
- a request for information or explanation of policies or procedures or decisions of Council.
- reports of damaged or faulty infrastructure
- reports of hazards
- reports concerning neighbours or neighbouring property (e.g. noise or unauthorised works).
- the lodging of an appeal in accordance with Council procedure or policy.

Requests for Council service and requests for information such as documents, policies, Council minutes and reports can be made through Council's Customer Service Section.

Complaint Types

Complaints Against Staff

Complaints made against a member of staff are to be directed to the General Manager and dealt with in accordance with the Code of Conduct and the Local Government State Award (except an allegation of corrupt conduct which must be referred to the General Manager).

Public Interest Disclosures

Public Interest Disclosures are covered by Council's Internal Reporting Policy and will be handled in accordance with that policy.

Allegations Under Child Protection Legislation

Complaints relating to child protection are dealt with in accordance with Council's Child Protection Policy.

Competitive Neutrality Complaints

An actual or potential competitor of a Council business may make a complaint if it believes that it is being adversely affected through a failure to adopt competitive neutrality – that is, Council is operating with an unfair competitive advantage. Competitive Neutrality complaints must be in writing and will be referred to Council's Public Officer who will acknowledge and investigate the complaint and will provide a response within twenty-one (21) days.

Privacy Complaints

Complaints relating to privacy and breaches of the Privacy & Personal Information Protection Act 1998 are to be referred to the Public Officer. Complaints regarding privacy are dealt with in accordance with Council's Privacy Management Plan.

Anonymous Complaints

While anonymous complaints will be recorded, Council will generally only act on them where the matter is of a safety or serious nature and there is sufficient information in the complaint to enable an investigation to be undertaken. The decision on whether to investigate will be made at the discretion of the Public Officer.

Corrupt Conduct

Under Section 11 of the ICAC Act 1988, the General Manager must report these complaints to the Independent Commission Against Corruption in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council.

Pecuniary Interest Complaints

If the matter complained about concerns an alleged breach of the pecuniary interest provisions of the *Local Government Act*; the *OLG Pecuniary Interest Guidelines 2006* make it clear that such matters must be reported by the General Manager after reviewing all information and determining that there is evidence consistent with a breach of the Act.

Political Donation Complaints

Additionally, if the General Manager reasonably suspects that a councillor has not complied with the provisions of the Code of Conduct relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the General Manager is to refer the matter to the Director-General of the Department of Local Government.

Complaints Relating To Councillor, Mayor Or General Manager

All complaints alleging misconduct in relation to a Councillor (including the Mayor) must be reported in writing to the General Manager. A complaint alleging misconduct by the General Manager must be reported in writing to the Mayor. The provisions contained in the Code of Conduct will be applied to any subsequent investigation and findings.

Lodging Complaints

Complaints may be lodged with Council in the following ways:

- By telephone;
- In person;
- In writing including by facsimile, email or other electronic means

Complaints must include the name, address and contact number of the complainant and a brief description of the problem.

Any members of Council staff can receive a complaint and must follow the procedures set out in this policy below to record and action the complaint.

If a Councillor receives a complaint, the Councillor should refer the matter directly to the General Manager.

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 referred directly to the General Manager or the Public Officer, and not discussed thereafter. Council will take all care that 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.

Recording Of Complaints

All complaints received by Council will be recorded in Council's electronic document management system as a "complaint" and allocated to the relevant officer.

Complaints involving corrupt conduct must be clearly identified as a "**formal complaint**" in a confidential and secured folder within Council's document management system.

Tier Structure

Tier 1: Frontline complaint handling

Staff will, within the scope of their delegated authority; endeavour to resolve issues at the first point of contact. The subject of the complaint, the name of the complainant and their contact details, their actions and the resolution of issues must be recorded in Council's electronic document management system. Complainants will be encouraged to use all existing Council procedures to resolve their issue. If the matter cannot be resolved at the first point of contact, the matter once recorded must be sent to the Public Officer who will determine the most appropriate staff member to deal with the matter.

The Public Officer must ensure that the timelines within the table below are complied with and/or periodic updates are provided to the complainant.

Tier 2: Internal review

Should the complainant be dissatisfied with the handling or determination of a complaint, the Public Officer will oversee the internal review process.

The Public Officer should advise the complainant that they may request in writing this type of internal review. If requested, the Public Officer will review the matter and call upon the help of a specialist officer (if technical issues are raised) and respond to the complainant accordingly.

The Public Officer will advise the complainant in writing of the expected turnaround times (after consultation with the officer conducting the review process) and keep the complainant updated if an extension or more information is required.

Tier 3: External review

Should the complainant be dissatisfied with the internal review process and findings, they will be provided with the relevant information by the Public Officer regarding rights of appeal and may seek a review by the:

- NSW Ombudsman on 1800 451 524 or at www.ombo.nsw.gov.au - for complaints about the conduct of staff, enforcement matters and the administrative conduct of Council itself.
- Independent Commission Against Corruption (ICAC) on 1800 463 909 or at www.icac.nsw.gov.au - for complaints that a Council official has acted corruptly.
- Office of Local Government (OLG) on 4428 4100 or at www.dlg.nsw.gov.au - for complaints about the overall functioning of Council, pecuniary interest issues, tendering or Councillor misconduct.

Acknowledgement & Communication With Complainant

Within the timeframes prescribed within the following table, on the receipt of a complaint, the staff member responsible for handling the complaint will provide an acknowledgment to the complainant. The acknowledgment will detail receipt of the complaint, the process involved in investigating the allegation/s and an indication of time required for resolution. Such acknowledgement will be in writing, as appropriate, and details of this contact will be recorded against the complaint in Council's electronic document management system.

The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations. Where appropriate, an offer of redress will be made and the complainant will be advised of any measures taken to minimise reoccurrence of the issue(s) underlying the complaint.

Immediate	Complaints lodged by phone and 'in person' will be acknowledged at time of receipt.
Within 1 day	All complaints will be recorded in Council's electronic document management system. All complainants who provide contact details will be provided with written acknowledgement of the complaint.
Within 10 days	Written or electronic complaints - The staff member dealing with the complaint will provide acknowledgement and aim to give a timeframe for resolution of the matter where it is complex or requires investigation.

Within 21 days	Competitive Neutrality complaints will be acknowledged and within twenty-one (21) days. If further time is required, the Public Officer will advise the complainant and provide periodic updates.
Within 28 days	Council will aim to address the full complaint or keep the complainant informed of progress. For long and complicated issues updates will be provided at periodic intervals with the interval determined by the nature of the issue.
Within 28 days	Internal reviews should be completed within 28 days of the lodgment for a request for an internal review. For long and complicated reviews, an estimate of the time required and periodic updates should be provided by the Public Officer.

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 on the complaint will be made on recommendation to the General Manager and the complainant will be informed in writing of the decision.

Council may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints.

Persistent Complainants

From time to time, Council will encounter complainants who are persistent and write again and again to the point that Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to future complaints.

The General Manager will consider all the facts and issues of the individual case prior to determining a response (being mindful of the Office of Local Governments Practice Note 9 – *Complaints Management in Councils* & NSW Ombudsman (2012) *Managing Unreasonable Complainant Conduct Manual*). If a decision is made to limit responses, the General Manager will write to the complainant explaining the Council's intention not to acknowledge or respond to further correspondence on the matter(s) unless new information is provided that the Council considers warrants action. The complainant will be advised that future written material will be filed. With respect to telephone calls, the complainant may be advised that their calls will only be taken during restricted times and then only by a specific person; or that no future phone calls will be accepted or interviews granted about the same matter.

The General Manager must inform Council of any such determination made to limit responses under this clause.

Rude Or Aggressive/Threatening Complainants

In cases where a complainant's behaviour is aggressive or threatening, i.e. the complainant:

- is consistently abusive or makes threats to staff or third parties using Council services or on Council premises;
- causes damage to Council property or threatens physical harm to staff or third parties.

Details of the aggressive or threatening behaviour are to be provided to the General Manager. The General Manager will consider all the facts and will consider the best course of action (being mindful of the Office of Local Governments Practice Note 9 – *Complaints Management in Councils & NSW Ombudsman (2012) Managing Unreasonable Complainant Conduct Manual*) and if deemed necessary may notify the complainant that they are not permitted to enter Council buildings for a period of time, that no phone calls will be accepted and that they may only correspond with council in writing.

The General Manager will notify the complainant in writing of the nature and duration of restrictions placed upon them. The General Manager will inform Council of any such determination made under this clause.

A register of people whose access has been restricted should be kept by the Public Officer and staff should have access to the register and be familiar with its contents.

Threats of harm to an employee or any other Council Official should be taken seriously and referred to the NSW Service immediately. A pragmatic approach to the staff member's safety and security should also be considered (depending on the nature of the threat) such as having the staff member arrive at or leave work whilst other staff are on duty, having the staff member escorted to their vehicle and vetting work calls if required.

Unreasonable Behaviour (rude and intemperate language) should not be tolerated by staff or any other Council Official. The General Manager should be informed and determine the best course of action being again mindful of (the Office of Local Governments Practice Note 9 – *Complaints Management in Councils & NSW Ombudsman (2012) Managing Unreasonable Complainant Conduct Manual*). The General Manager should consider strategies such as:

- Return letters framed in rude and intemperate language.
- End telephone calls and interviews.

Reporting & Improvement

On a quarterly basis, the Complaints Coordinator will provide succinct reports to the Senior Management Team on complaints received and subsequent follow-up and departmental action.

Reports will provide the following information on each complaint:

- the issue at the center of the complaint
- dates and history of complaint,
- action taken to address complainant's issues
- feedback from the complainant, where available, as to satisfactory resolution of the complaint or otherwise,
- information on internal reviews,
- on an annual basis, the Complaints Coordinator must collate the complaints data for inclusion in Council's Annual Report.

Complaints data should be captured, classified and analysed on a quarterly basis to assist in rectifying systemic and recurring problems. The Senior Management Team should review the data to identify areas that may need corrective action and process improvement within Council's operations.

Associated Documents

- Code of Conduct
- Division of Local Government and NSW Ombudsman *Practice Note No. 9 – Complaints Management in Councils*.
- NSW Ombudsman (2012) *Managing Unreasonable Complainant Conduct Manual*

Relevant Legislation

Independent Commission against Corruption (ICAC) Act 1998

NSW Local Government Act 1993

Privacy and Personal Information Act 1998

Public Interest Disclosures Act 1994

Review

This Policy will be reviewed every two years, or sooner if required due to changes in relevant legislation or State Government policy.

