

## COMPLAINTS HANDLING

### 1. POLICY STATEMENT

The Complaints Handling Policy and Procedure sets out the processes that Wentworth Shire Council staff should employ to efficiently and effectively manage complaints made to Council. Wentworth Shire Council regards all complaints with the utmost seriousness and will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by the complainant.

### 2. DEFINITIONS AND ABBREVIATIONS

GM	General Manager
TRIM	Council Records Management System

### 3. POLICY

#### Scope

This policy and procedure applies to all Councillors, Council staff and contractors working on behalf of Council.

#### Definition of Complaint

A complaint is an expression of dissatisfaction with Council's procedures, charges policies, staff, agents or quality of service.

Complaints may be lodged by telephone, in person or in writing (including facsimile, email or other electronic means).

A complaint does not include:

- Service requests,
- Requests for information or explanation of policies or procedures of decisions of Council,
- Reports of damaged or faulty infrastructure,
- Reports of hazards,
- Reports concerning neighbours or neighbouring properties,
- Appeals against Council decisions, policies or procedures, unless recorded as complaints about Council's decision-making process.

#### Complaints Handling Review Process

The Complaints Handling Process provides an efficient, fair and accessible mechanism for resolving complaints quickly. The process recognises, promotes and protects the rights of individuals or organisations to comment and/or complain in relation to Council and its services and activities.

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Application:	All Staff				
Attachments:	Nil				

There are three tiers of review, which outline the various processes and responsibilities that are to be implemented to manage complaints.

#### *Level 1 – Frontline Complaint Handling*

The first point of contact with a complainant will be:

- In person at one of Council's offices.
- Over the telephone.
- In writing by way of letter or email.

The focus at this level is for Council staff to resolve complaints, where possible, in an informal setting. These types of complaints would involve non-contentious issues and could be resolved with remedies that the applicable staff member is able to deal with according to their level of authority.

Council officers at all levels within the organisation can be involved in this first level of complaint handling.

#### **Written Complaints**

All information relating to the complaint must be recorded within Council's Complaints Register within the TRIM System.

Within 7 days, the complainant must be contacted by telephone or in writing. If the complaint remains unresolved, the Council Officer must advise the complainant of any action that Council intends to undertake, which may include further investigation, conciliation or negotiation.

Telephone conversations (including advice or outcomes) and copies of relevant written responses must be recorded by the staff member in Council's Complaints Register within Council's electronic document management system.

#### **Telephone or Face-to-Face Complaints**

All information relating to the complaint must be recorded in Council's Complaints Register. The same processes that relate to written complaints apply.

#### **Keeping the Complainant Informed**

If the matter cannot be resolved within the 7-day time frame (as stated above) the complainant must be advised of proposed action and a time frame. If the matter cannot be resolved within a further twenty one-day period the complainant must be kept informed of the matter's progress. This may involve a telephone update or a further written response. Such responses should be recorded in the Complaints Register.

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### **Requirements of the Final Response**

Council's final response must address the issues raised by the complainant. The response must also set out the availability of other remedies if the complainant is dissatisfied with Council's response. This would include any internal or external review processes (as discussed below).

#### *Level 2 – Internal Review*

The focus at this level is for the matter to be reviewed or investigated a complaint where the complainant is dissatisfied with Council's initial response or where the matter cannot be resolved by the frontline officer.

The complaint at this level is to be reviewed by Council's General Manager or a staff member as requested by the General Manager, who may have particular expertise in the particular matter being considered. It is essential that the staff member carrying out a review at this level is not the same officer who responded to the initial complaint. This review must be carried out promptly and the complainant must receive the final response or an interim response (setting out Council's proposed action) within 21 days.

If the letter is a final response to the matter, the letter must set forth the availability of external remedies if Council is unable to resolve the matter.

#### *Level 3 – External Review*

If the complainant still remains dissatisfied with Council's response a formal letter from Council's General Manager should be forwarded outlining the following:

- The offer of alternative dispute resolution (if deemed appropriate)
- The fact that the complaint may raise the matter with an external agency such as the NSW Ombudsman, the NSW Department of Local Government or the Independent Commission Against Corruption.
- The complainant has the option to seek advise in the matter with their own legal adviser.

### **Anonymous Complaints**

Anonymous complaints should still be examined and dealt with accordingly. Such matters should still be filed within the electronic document management system.

Where the complaint falls within the category of requiring identification of the complainant the matter will not proceed, however, the complaint should still be filed within the electronic document management system.

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**Allegations of Corrupt Conduct, Pecuniary Interest matters or Maladministration**

All complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position (including anonymous and verbal complaints) are to be referred ***immediately*** to the General Manager, who has prescribed legislative reporting requirements. If the allegations concern the General Manager, the complaint must be referred to the Mayor ***immediately***.

**Allegations of Breaches of Council's adopted Code of Conduct**

All complaints alleging a breach of Council's adopted Code of Conduct are to be reported ***immediately*** to the General Manager. If the alleged breach concerns the General Manager the complaint is to be reported ***immediately*** to the Mayor.

**Confidentiality**

Council will ensure that confidentiality is maintained in regard to complaints received. Staff receiving and recording complaints containing allegations in regards to staff members must ensure that details are not discussed other than with the General Manager.

**Analysis of Complaints/Reporting to Council**

Council's General Manager will analyse the nature of the complaints via a monthly report generated from the TRIM system and (where possible) implement strategies to improve any identified deficiencies and/or improve service levels.

The General Manager will report on the complaints received and outcomes on a quarterly basis. On an annual basis the General Manager will prepare a statistical summary of complaints received for the annual report.

**4. ASSOCIATED COUNCIL DOCUMENTS**

- Code of Conduct

**5. POLICY REVIEW**

This policy may be amended from time to time and will be reviewed within 2 years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.

**AUTHORISATION:**

.....  
 Position:       General Manager  
 Date:            ...../...../.....

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