



Hawkesbury City Council

attachment 1
to
item 60

Draft Complaints Policy

date of meeting: 8 May 2012
location: council chambers
time: 6:30 p.m.



1.0 AIM

The aim of this policy is to define a framework for the management and handling of complaints received by City Council.

This Policy aims to ensure that complaints are dealt with fairly and impartially and that wherever possible complaints can be resolved quickly through the skilled, early management of complainant concerns to minimise the potential for a complaint to be escalated for internal review and/or referral to an external agency.

An effective complaints system is an essential part of the provision of quality service in local government. It is one method of measuring community satisfaction and provides a useful source of information and feedback for improving Council's services. Complaint handling is also a key component of sound corporate governance and is fundamental to ensuring an appropriate level of accountability in the exercise of Council's functions.

The content of this Policy reflects the model provisions of the Practice Note '*Complaints Management in Councils*' issued by the NSW Ombudsman and the Division of Local Government. It is also consistent with the Australian Standard, *Customer satisfaction – Guidelines for complaints handling in organisations (ISO 10002:2006, MOD)*.

Nothing in this policy overrides the General Manager's obligation to report under Section 11 of the *Independent Commission Against Corruption Act 1988*.

2.0 WHAT IS A COMPLAINT?

- 2.0.1 A complaint is an expression of dissatisfaction with Council's decisions, policies, procedures, charges, employees, agents or the quality of the services it provides.
- 2.0.2 A complaint against a member of Council's staff will be handled in accordance with part 6 of this policy headed "Complaints Against Staff".
- 2.0.3 A complaint concerning an alleged breach of Council's Code of Conduct by a councillor or the General Manager is referred to as a "Code of Conduct Complaint" and will be handled in accordance with part 7 of this policy headed "Code of Conduct Complaints".
- 2.0.4 A complaint for the purpose of this policy does not include matters not related to Council staff or Councillors or services provided by Council.
- 2.0.5 A complaint does not include:
 - a) a request for services (unless it is a second request, where there was no response to the first);
 - b) a request for documents, information or explanation of policies or procedures;
 - c) a request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first);
 - d) a report of damaged or faulty infrastructure (e.g. road pothole), reports of hazards (e.g. fallen tree branch) - (unless it is a second request, where there was no response to the first);
 - e) the lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy (unless this is recorded as a complaint about Council's decision making);



- f) a submission relating to the exercise of a regulatory function (e.g. an objection to a development application or a submission on a policy).

3.0 LODGING A COMPLAINT

3.0.1 Complaints, excluding a complaint against a member of Council's staff or a Code of Conduct complaint, may be lodged by:

- Telephone
- Facsimile
- Email
- Letter, or
- In person

and should detail the name, address and contact phone numbers of the complainant together with a brief description of the problem and the remedy requested by the complainant.

3.0.2 Complaints specifically against a member of Council's staff or a Code of Conduct Complaint must be in writing and lodged by facsimile, email, letter or in person.

3.0.3 Any staff member may receive a complaint and must follow complaint management procedures.

3.0.4 Any Councillor in receipt of a complaint should (preferably in writing) refer the matter directly to the General Manager or Public Officer.

3.1 Who Deals With Complaints

3.1.1 With the exception complaints about a member of Council's staff or a Code of Conduct complaint, Council staff are delegated (in the first instance) to work with complainants to endeavour to achieve a resolution to a verbal complaint, or refer the complaint to a staff member who may be able to resolve the complaint. Where this is not possible, or in the case of a written complaint, the complaint will be referred to the General Manager, Public Officer and/or a Complaints Coordinator who will allocate the complaint to the appropriate Manager or Director for investigation.

3.1.2 The General Manager and Public Officer may determine that they will investigate a particular complaint if considered appropriate in the circumstances.

3.2 Complaints That Will Not Be Investigated

3.2.1 The General Manager and/or the Public Officer may determine that a complaint will not be investigated where that complaint:

- a) is considered frivolous, vexatious or not made in good faith or concerns a trivial matter;
- b) involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- c) relates to conduct before a court, coroner or tribunal;
- d) relates to matters under investigation by the Minister for Local Government, ICAC, the NSW Ombudsman's Office, a Minister of the Crown or government department or the NSW Police;



- e) relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- f) relates to a decision, recommendation, act or omission which is more than one year old;
- g) relates to a matter the subject of a current report to Council that has not been considered and/or determined;
- h) relates to a resolution of Council or a decision dealing with a matter of policy or the adoption of a policy;
- i) relates to the actions or conduct of private individuals;
- j) relates to a matter where there is insufficient information available; or
- k) involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against Council, Councillors and/or Council staff.

3.2.2 Should the General Manager and/or the Public Officer determine that a complaint will not be investigated, the complainant will be advised of the reason for this decision.

3.3 Anonymous complaints

3.3.1 The General Manager and/or the Public Officer will determine whether an anonymous complaint will be investigated dependant upon the seriousness of the complaint and provided there is sufficient information in the complaint to enable an investigation to be conducted, or whether there is a statutory requirement for identification of the complainant.

3.4 Serious Complaints

3.4.1 All complaints, including those received verbally or anonymously, alleging corrupt conduct, pecuniary interest breaches, improper use of position, criminal action or maladministration are to be registered and referred to the General Manager or Public Officer. If the allegation relates to the General Manager, the matter must be reported to the Mayor. If the allegation relates to the Public Officer, the matter must be reported to the General Manager.

3.4.2 Staff, Councillors, consultants and contractors wishing to make complaints of this nature may do so with in accordance with Council's separate Internal Reporting Policy under the Public Interests Disclosures Act.

3.5 Confidentiality

3.5.1 Council will not disclose the identity of a complainant unless such action is considered necessary in order to adequately investigate such complaint and in such cases the complainant will be consulted in the first instance.

4.0 COMPLAINT HANDLING SYSTEM

A three-tier complaint handling management system has been adopted in respect of complaints other than Code of Conduct complaints (this latter category is addressed in a subsequent section of this policy). This three-tier complaint handling management system involves:



4.1 Tier 1 - Frontline Complaint Handling

Staff will attempt to resolve complaints wherever possible at the first point of contact and log the details of the complaint for later analysis. Where a written complaint is received and/or where a verbal complaint is unable to be resolved 'on the spot', the staff member will log the complaint and forward it to a Complaints Co-ordinator who will allocate the complaint to the appropriate Manager or Director for investigation and response.

4.2 Tier 2 - Internal Review

Where a complainant has written to Council to indicate that they believe their complaint has not been dealt with satisfactorily, the complaint will be referred to the Public Officer. The Public Officer will advise the complainant that the matter has been referred for internal review by a senior officer. Staff involved in dealing with the original complaint will not be involved in the conduct of the internal review.

4.3 Tier 3 - External Review

Where a complaint continues to remain unresolved, the complaint will be referred to the General Manager who may refer a unresolved complaint for external review or, alternately, advise the complainant of the avenues available to them should they wish to pursue the matter further. The General Manager will provide such advice to the complaint in writing. Complaints, dependant on their nature, can be referred to the following external agencies for external review:



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<i>External Agency</i>	<i>Nature of Complaint</i>
<p>The NSW Ombudsman Level 24,580 George Street Sydney NSW 2000 Phone: 02 9286 1000 or Toll free: 1800 451 524 Facsimile: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au</p>	<p>Reportable allegations against employees and their investigation and matters concerning maladministration.</p>
<p>NSW Division of Local Government Locked Bag 3015 NOWRA NSW 2541 Phone: 02 4428 4100 Facsimile: 02 4428 4199 Email: dig@dlg.nsw.gov.au</p>	<p>Matters concerning a serious breakdown in Council's operations, if the Council as a whole is not operating satisfactorily or pecuniary interest matters</p>
<p>The Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2001 Phone: 02 8281 5999 or Toll free: 1800 463 909 Facsimile: 02 9264 5364 Email: icac@icac.nsw.gov.au</p>	<p>Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The ICAC Act requires the General Manager to report suspected cases of corrupt conduct to the ICAC.</p>
<p>Anti-Discrimination Board PO Box A2122 SYDNEY SOUTH NSW 1235 Phone: 02 9268 5555 or Toll free: 1800 670 812 Facsimile: 02 9268 5500 Email: adbcontact@agd.nsw.gov.au</p>	<p>Matters in relation to discrimination, disability and harassment.</p>
<p>Australian Competition and Consumer Commission Level 20, 175 Pitt Street SYDNEY NSW 2000 (GPO Box 3648, SYDNEY NSW 2001) Phone: 9230 9133 Fax: 9232 6107</p>	<p>Competitive neutrality complaints.</p>
<p>Information and Privacy Commission NSW GPO PO Box 7011 SYDNEY NSW 2001 Phone: 1800 472 679 Fax: 9268 5501 Email: ipcinfo@ipc.nsw.gov.au</p>	<p>Breaches of the Privacy and Personal Information Protection Act 1998</p>



5.0 COMPLAINT HANDLING PROCEDURES

5.0.1 In most situations, Council's complaints handling process - where the complaint or concern has not been resolved at the first point of contact - will involve the following five steps:

 Initial contact - complaint registered and referred to *Complaints Co-ordinator*

 acknowledgment - complaint acknowledged and customer advised of process

 investigation - complaint investigated and draft response prepared

 authorisation - outcomes reviewed and draft response approved

 completion - response registered and forwarded to customer

A sixth step may be required where a complaint is not resolved to a customer's satisfaction.

 review – a procedural review of the investigation and outcome of a complaint

5.0.2 Staff approached by a customer enquiring about lodging a complaint, will advise the customer of the methods available and, where practical, issue a copy of the *HCC Complaints Handling Guide (Attachment 1)* or advise that the *Complaints Guide* can be accessed from Council's website.

5.0.3 Where a simple or non-contentious verbal complaint is received, staff will endeavour to resolve the complaint at the first point of contact or refer the complaint to a staff member who may be able to resolve the complaint 'on the spot' in accordance with delegated authorities.

5.0.4 The details of the complaint, and any action taken to resolve the complaint will be documented and registered into Council's Electronic Content Management (ECM) system.

5.0.5 If a complaint cannot be resolved 'on the spot', the staff member will document, register and forward the complaint to the appropriate *Complaints Co-ordinator*. Written complaints received in the mail, by fax or in Council's corporate mailbox will be registered into the ECM and forwarded to the appropriate *Complaints Co-ordinator* in accordance with the appropriate workflow.

5.0.6 Where a complaint is about a staff member's own conduct and he or she is not confident about dealing with it fairly, or the matter is unlikely to be resolved on the spot, or if the complainant requests it, the complaint should be automatically referred to the staff member's immediate supervisor. Staff should automatically refer a complaint when;

- the problem is clearly outside a staff member's delegation or area of expertise;
- there are established referral procedures (e.g. for protected disclosures, code of conduct complaints, privacy breaches, ICAC notifications);
- a staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct, and/or;
- significant disciplinary action is a possible outcome.



- 5.0.7 Upon receipt of a written complaint or an unresolved verbal complaint logged and registered by a staff member, the Complaints Co-ordinator will forward a letter of acknowledgement to the complainant or person acting on their behalf. The Complaint Co-ordinator will include a copy of the HCC *Complaints Handling Guide* with the acknowledgment letter.
- 5.0.8 The Complaint Co-ordinator will forward the complaint to the responsible Manager or Director for investigation. The Complaint Co-ordinator will designate the applicable time frame and process for the investigation of the complaint.
- 5.0.9 The assigned investigating officer will co-ordinate the investigation of the complaint. Where a substantial enquiry may be required, the investigating officer will conduct their investigation in accordance with the provisions of the Practice Note '*Complaints Management in Councils*' issued by the NSW Ombudsman and the Division of Local Government.
- 5.0.10 The assigned investigating officer will prepare a concise report documenting the outcomes of their investigation together with a draft response to the complainant. Depending on the nature of the complaint the report may include a summary of the investigation process, the findings of the investigation, and any recommended actions or remedies arising from the investigation.
- 5.0.11 The General Manager/Director will review the investigation report and draft correspondence and authorise the response together with any actions or remedies arising from the complaint.
- 5.0.12 The assigned investigating officer will register the authorised response and forward the response to the complainant together with information on the right of the complainant to seek a review of the outcome of the investigation of their complaint.
- 5.0.13 The complaint handling process will be completed within 20 working days of receipt of the complaint, except where further information is required to be received. In these cases the complainant will be advised of the delay, the reason for the delay and an approximate timeframe in which it is expected that a response will be forwarded.

5.1 Review of Unresolved Complaint - Internal Review

- 5.1.1 Complaints that have not been resolved to the satisfaction of the complainant following completion of the procedure outlined above may be subject to internal review. Where a complainant has contacted Council to indicate that they believe their complaint has not been dealt with satisfactorily, the unresolved complainant will be forwarded to the Public Officer for internal review.
- 5.1.2 The internal review will be conducted by the Public Officer, or a senior officer designated by the Public Officer, or the General Manager. A staff member involved in dealing with the original complaint shall not be involved in the conduct of the internal review.
- 5.1.3 The focus of the internal review will be to resolve the complaint wherever possible. The appointed senior officer will review and investigate the unresolved complaint in accordance with the provisions of the Practice Note '*Complaints Management in Councils*' issued by the NSW Ombudsman and the Division of Local Government.
- 5.1.4 At the completion of their review, the designated senior officer will make recommendations to maintain, amend or rescind the previous decision and propose additional corrective actions or remedies as considered necessary.
- 5.1.5 The designated senior officer will forward the outcomes and recommendations of their internal review to the Public Officer. The Public Officer will refer the information to the General Manager to authorise the proposed response together with any additional actions or remedies to be implemented.



- 5.1.6 The Public Officer will register the authorised response and forwarding the response to the complainant. This advice will incorporate information on external agencies to which the complainant can refer the matter should the complaint not be resolved to their satisfaction.
- 5.1.7 The internal review will be completed within 15 working days of referral of the matter in writing to the Public Officer except where further information is required to be received. In these cases the complainant will be advised of the delay, the reason for the delay and an approximate timeframe in which it is expected that a response will be forwarded.

5.2 Review of Unresolved Complaint – External Review

- 5.2.1 Complaints not resolved to the satisfaction of the complainant following internal review may be referred for external review.
- 5.2.2 Where a complainant has written to Council to indicate that they continue to remain dissatisfied with the outcome of their complaint, the correspondence will be forwarded to the General Manager.
- 5.2.3 The General Manager may refer an unresolved complaint for external review or advise the complainant of the avenues available to them should they wish to pursue the matter further. The General Manager will provide such advice to the complainant in writing.

6.0 COMPLAINTS AGAINST STAFF

- 6.0.1 Complaints about Council staff will be referred to the General Manager. Complaints, other than Code of Conduct Complaints which are dealt with under Section 7 of this Policy, will generally be dealt with in accordance with the Complaint Handling Procedures as outlined in Section 5 of this Policy with the additional requirements as outlined below
- 6.0.2 The General Manager will determine what action is to be taken in response to a complaint about Council staff and will refer the complaint to the relevant Director for investigation. The complaint may be investigated by the General Manager if considered appropriate in the circumstances.
- 6.0.3 The Director will be responsible for coordinating the investigation of the complaint. The Director may delegate the investigation of the complaint, or parts of the complaint, to a Manager.
- 6.0.4 In investigating a complaint, the designated investigation officer will follow the rules of procedural fairness. The designated investigation officer must:
 - a) inform the staff member(s) of the content of any allegations or adverse comments made against them;
 - b) ensure that any enquiries made under this part which might give rise to disciplinary action is done so in accordance with the relevant local government awards. This may involve consultation with Council's Human Resources Manager during the process;
 - c) ensure that the person/s who is/are the subject of the complaint is/are aware of their right to be represented by their union;
 - d) provide the staff member(s) with a reasonable opportunity to put their case;
 - e) review relevant documents and consider submissions;
 - f) make reasonable enquiries before making a recommendation;
 - g) ensure that no person is involved in enquiries in which they have a direct interest;
 - h) act fairly and without bias, and
 - i) conduct the enquiries without undue delay.



- 6.0.5 The designated investigation officer will prepare a report documenting the outcomes of their investigations and make a determination as to whether the complaint discloses inappropriate action. The designated investigation officer will forward their report together with an appropriate recommendation - through the Director, where a Manager is the designated investigating officer - to the General Manager. The General Manager will then determine what action is to be taken and will report his/her findings, and the reasons for these findings, in writing to the complainant and the person subject of the complaint.
- 6.0.6 Where a complaint has been investigated by the General Manager he/she will decide whether the complaint discloses inappropriate action and determine what action is to be taken. The General Manager will report his/her findings, and the reasons for these findings, in writing to the complainant and the person subject of the complaint.
- 6.0.7 In the case of a complaint alleging corrupt conduct in the terms of the *Independent Commission Against Corruption Act 1988* the provisions of this policy do not override the requirements of Section 11 of that Act for such matters to be reported to the Commission. In the case of complaints reported to the ICAC the General Manager may decide not to investigate such complaints until such time as the ICAC advises of its proposed actions or requests the Council to commence investigations into the matter and these investigations may be undertaken as appropriate in the circumstances and may not be subject to the provisions of this policy.

7.0 CODE OF CONDUCT COMPLAINTS

- 7.0.1 All councils must adopt a code of conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW pursuant to section 440 of the *Local Government Act 1993*.
- 7.0.2 Council has adopted a code of conduct applicable to councillors, staff and delegates of council which is consistent with the Model Code of Conduct. Members of the public as well as other councillors, staff or delegates of council may make complaints under the Code of Conduct. The Code of Conduct prescribes procedures for dealing with such complaints.
- 7.0.3 Complaints alleging breaches of the Code of Conduct should be reported to the General Manager, or Mayor in the case of a complaint against the General Manager, preferably in writing.
- 7.0.4 Complaints relating to alleged breaches of Council's adopted Code of Conduct by a councillor, member of staff or delegate of Council will be dealt with in accordance with the procedures prescribed under the Code rather than under Council's normal complaint handling procedures (as outlined in section 5 above).



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ATTACHMENT 1 – Hawkesbury City Council Complaints Handling Guide

The details you should provide:

To help us to process your complaint we would ask you to provide your name, address and contact details so that if necessary we can contact you to discuss your complaint and provide you with written advice on the outcome of your complaint.

A brief and clear description of the problem will also assist us to investigate your complaint.

Complaints Handling Procedure:

The process

Our aim, if we can, is to work with you to resolve your complaint at your first contact with our staff. If this is not possible, your complaint will be referred to a more senior staff member who will co-ordinate the investigation of the issues or allegations raised in your complaint.

You will be advised that your complaint has been received and who will be dealing with your complaint. We will investigate your complaint in accordance with the processes outlined in our *Complaints Policy* which can be accessed from our website at: www.hawkesbury.nsw.gov.au/council/policies

Who will investigate your complaint?

Customer Service Complaints

Depending on their content, complaints about Council's services or Council decisions will be referred to the General Manager or Customer Service Manager. The General Manager or Customer Service Manager will refer the complaint to the appropriate senior staff member who will investigate the issues raised in the complaint and either provide a report to the General Manager or respond directly to you about the outcomes of the investigation.

Complaints about Staff

Complaints against staff, contractors, or volunteers will be referred to the General Manager. The General Manager will forward the complaint to a Council Manager or Director who will investigate the issues raised in the complaint and provide a report to the General Manager on the result of the investigation. The General Manager will then consider the findings of the investigation together with other relevant information and advise you of the outcome of your complaint.

'Code of Conduct' complaints about Staff or Councillors

Council has adopted a Code of Conduct (based on the Model Code of Conduct for Local Councils issued by the NSW Government) which sets out the conduct obligations required of Council staff and elected officials (Councillors). The Code of Conduct includes procedures for dealing with complaints alleging a breach of the Code. Code of Conduct complaints will be referred to the General Manager who will deal with the complaint in accordance with the provisions of the Code. The Code can be accessed from our website at www.hawkesbury.nsw.gov.au/council/policies.

Some complaints may be referred directly to the Independent Commission Against Corruption (ICAC).

Will you be advised of the outcome of your complaint?

You will be contacted by the Council Officer dealing with your complaint and advised of the outcome of the investigation, and where necessary what action has been taken in response to your complaint.

This advice will be forwarded to you within 20 working days of the receipt of your complaint. If this is not possible, you will be advised of the reasons and the approximate time frame when the investigation will be completed.

What can you do if you are still dissatisfied with Council's response?

If we have been unable to resolve your complaint to your satisfaction, you can request an internal review of the handling of your complaint.

Your request for an internal review will be referred to Council's Public Officer who will appoint a senior staff member to review and investigate the unresolved complaint. The person dealing with the original complaint will not be involved in conducting the internal review.

You will be contacted by the Council Officer conducting the internal review to advise you of the result of the review and any further actions taken in response to your complaint. This advice will be forwarded to you within 15 working days of the referral of your unresolved complaint.

Should you still be dissatisfied with the outcome of your complaint, you can take your complaint to an external agency for further review. These external agencies are listed in our *Complaints Policy*.

Your Rights and Responsibilities

To ensure a high standard of service to our customers and to meet our duty of care obligations to our staff, we will apply the following 'ground rules' to our complaint handling process:

The responsibilities of Hawkesbury City Council	Your responsibilities when you make a complaint
We are responsible for	You are responsible for
<ul style="list-style-type: none"> handling your complaint professionally, efficiently and fairly keeping you informed of our progress giving you reasons for our decisions treating you with respect determining how your complaint will be investigated, who will handle it and what the outcome should be 	<ul style="list-style-type: none"> providing us with a clear idea of the problem and the solution you want giving us all the relevant information you have (or know about) at the beginning cooperating with us treating us with respect seeking a further review if you are dissatisfied with the outcome of your complaint



Last Updated: January 2012



Hawkesbury City Council Complaints Handling Guide

Dissatisfied with Council?

Hawkesbury City Council welcomes feedback from its customers.

We understand that we may not always be able to meet our customer's expectations and that from time to time we may unintentionally fail to provide a service in accordance with our service standards.

We are committed to working with customers to try to resolve complaints.

Sometimes this may not be possible, and we can advise you of the avenues of appeal that are available to you if you are dissatisfied with Council's response to your complaint.

Lodging a complaint

You can make a complaint by:

- Telephone on (02) 4560 4444
- Fax on (02) 4587 7740
- Email at council@hawkesbury.nsw.gov.au
- By letter addressed to the General Manager at PO Box 146, WINDSOR NSW 2756
- Or in person at our Customer Service Centre 366 George Street, Windsor

Please note that some types of complaints may only be accepted in writing.