

STRATHFIELD COUNCIL

COMPLAINT MANAGEMENT POLICY

June 2021

RESPONSIBILITY	Director Corporate & Financial Services		
DATE ADOPTED	June 2021	MINUTE	
REVISED	June 2021	REVIEW	June 2023
ECM No			
ASSOCIATED POLICIES	Strathfield Council Code of Conduct Strathfield Council Business Ethics Policy Strathfield Council Privacy Management Plan		
ASSOCIATED LEGISLATION	<i>Government Information (Public Access) Act 2009</i> <i>Independent Commission against Corruption (ICAC) Act 1998</i> <i>Local Government Act 1993</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Health Records Information Privacy Act 2002</i> <i>Public Interest Disclosures Act 1994</i> <i>Ombudsman Act 1974</i>		
ASSOCIATED DOCUMENTS	Strathfield Council Complaints Handling Procedure Strathfield Council Customer Service Charter Strathfield Council Service Standards Strathfield Council Complaint Management Form Strathfield Council Complaint Management Flowchart Strathfield Council Assisted Communications Program Guidelines Office of Local Government and NSW Ombudsman Practice Note No. 9 – Complaints Management in Councils. NSW Ombudsman (2012) Managing Unreasonable Complainant Conduct Manual		

Introduction

1.0 Background and Purpose of Policy

Strathfield Council is committed to providing and maintaining a high standard of customer service. Complaints and compliments provide unique information about the quality of services from the perspective of our residents and customers. We value our customers' rights to complain about our services, decisions, actions and officers. We are committed to treating complaints seriously and dealing with them promptly, fairly and genuinely.

Council commits to continuous improvement and views complaints and compliments as an improvement opportunity and uses the information gained from them to assist with identifying and improving our policies, systems and services.

Effective management of complaints ensures that a complainant's issues are responded to in a consistent, timely and cost-effective manner. Furthermore, a robust complaints management framework promotes transparency and builds community confidence.

All complaints (as defined in this policy) will be treated in accordance with this policy. Depending on the nature of the complaint, they may also be assessed in accordance with other relevant policies, as outlined.

Where Council is unable to resolve complaints internally, complainants will be provided information about their avenues for seeking resolution and/or appeal externally.

1.2 Objectives of the Policy

The objectives of this policy are to:

- Define "complaints" for the purpose of this policy.
- Outline the process for lodging complaints
- Specify the types of complaints that will not be investigated
- Outline the three-tier complaint handling system
- Managing unreasonable complainant conduct

1.3 Coverage of the Policy

The policy applies to staff, councillors and members of the public.

Policy Statement

2.0 Defining Complaints

A **complaint** is an expression of dissatisfaction to the Council about the level or quality of services, the conduct of staff or the handling of a complaint, where a response of resolution is explicitly or implicitly expected or legally required.

A complaint for the purposes of this policy is distinct from the following:

Grievance – A clear, formal written statement by an individual staff member about another staff member or a work related problem.

Feedback – Opinions, comments and expressions of interest or concern to Council about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Service Request – A service request includes requests for approval; requests for action or service; routine inquiries about the organisation's business; requests for the provision of services and assistance; reports of failure to comply with laws regulated by the organisation; and request for explanation of policies, procedures and decisions.

Public Interest Disclosure – A report about wrongdoing made by a public official in NSW that meets the requirements of the *Public Interest Disclosures Act 1994*.

Complaint management system (Framework) - The systems and internal procedures supporting the implementation of the complaint management policy.

2.2 Process for lodging a complaint

Complaints may be lodged:

- by telephone
- in person
- in writing via letter or email; or
- via Council's 'Complaint Form' available on our website

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 act according to this policy and Council's Complaint Handling Procedure to record and action the complaint.

If a Councillor receives a complaint, the Councillor should refer the matter directly to the Chief Executive Officer in accordance with Council's Code of Conduct.

2.3 Complaints that will not be investigated

Council may determine that a complaint will not be investigated where that complaint:

- is considered frivolous, vexatious or not made in good faith or concerns a trivial matter
- 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
- where a matter is subject to an existing mediation process
- relates to a decision made by a meeting of Council
- relates to a decision, recommendation, act or omission which is more than 12 months old
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the Council.

Should Council determine that a complaint will not be investigated, the complainant will be advised of the reason for the decision.

2.4 Anonymous Complaints and Confidentiality

Anonymous complaints may not be fully investigated due to the inability to seek clarification or additional information. In the event that an anonymous complaint is received Council will note the issues raised and, where necessary, try and resolve them appropriately, however issues raised in anonymous complaints may not be fully actioned.

Council encourages complainants to provide full contact information when lodging

complaints. Council will protect the identity of complainant(s) should, subject to legislative requirements, should such a request be made. Strathfield Council manages personal and private information collected by Council in accordance with Council’s Privacy Management Plan.

2.5 Principles for Managing Complaints

1. Complaints should be resolved in a timely and cost effective manner and, where possible, without recourse to the courts.
2. Staff should seek to resolve difficulties, disagreements or disputes by discussion, negotiation, mediation or conciliation wherever appropriate.
3. Complainants have the following rights:
 - any member of the public has the right to lodge a complaint
 - members of the public have the right to lodge complaint if they are unsatisfied with service
 - complaints lodged with Council will be assessed and investigated in a timely manner
 - that confidentiality will be respected if requested
 - complainants will not be subjected to any form of prejudice or harassment in reprisal of their complaint

2.6 Complaint Management System

Council’s complaint management system is based on the NSW Ombudsman’s 3 Tier approach to complaint management.



Complaints dependent on their nature, can be referred to the following external agencies for an external review:

External agency	Nature of complaint
<p>NSW Office of Local Government Locked Bag 3015 NOWRA NSW 254 Phone: 02 4428 4100 Facsimile: 02 4428 4199 Email: olg@olg.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 9318 5999 or Toll free: 1800 463 909 Facsimile: 02 9699 8067</p>	<p>Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official.</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</p>	<p>Matters in relation to discrimination, disability and harassment</p>
<p>Australian Competition and Consumer Commission Level 7, Angel Place 123 Pitt Street SYDNEY NSW 2000 (GPO Box 3648, SYDNEY NSW 1044) Phone: 9230 9133 Fax: 9232 6107</p>	<p>Competitive neutrality complaints</p>

External agency	Nature of complaint
<p>Information and Privacy Commission NSW GPO Box 7011 SYDNEY NSW 2001 Phone: 1800 472 679 Fax: 02 6446 9518 Email: ipcinfo@ipc.nsw.gov.au</p>	<p>Breaches of the <i>Privacy and Personal Information Protection Act 1998</i></p>
<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: ombo@nswombudsman.nsw.gov.au</p>	<p>Matters concerning maladministration or related to child abuse</p>

2.7 Communication with Complainant

In circumstances where a complainant has provided his/her name, address and contact details, the staff member responsible for handling the complaint will acknowledge the complaint within **five (5) working days**. Such acknowledgement may be by telephone or 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 ensure that the complainant is kept informed of progress regarding investigation and resolution of the complaint, every 30 working days until the complaint process is completed.

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

Individual Rights and Mutual Responsibility of the Parties to a Complaint are outlined in **Appendix A**.

2.8 Competitive Neutrality Complaints

Competitive neutrality is one of the principles of national competition policy. Competitive neutrality is based on the concept of the 'level playing field' of all competitors in a market, be they public or private sector competitors. Under the principles of national competition policy, all levels of government must establish an effective system to deal with complaints relating to competitive neutrality in respect of their business.

The Office of Local Government's guidelines on the Management of Competitive Neutrality Complaints issued in October 1997, explains how councils should deal with competitive neutrality complaints.

A competitive neutrality complaint is:

- a complaint that a council has not met its obligations under the Policy Statement on the Application of the National Competition Policy or Pricing and Cost for Council Businesses. This includes a concern that a council has not established an effective complaints handling mechanism
- a complaint that a council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

- a complaint regarding the level of service provided by a business activity.
- a complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account
- a complaint regarding the trade practices laws and their application to councils.

Complaints that do not concern competitive neutrality should be dealt with under Council's normal complaints handling processes.

Managing Unreasonable Conduct by Complainants

Complainants sometimes become angry, upset or abusive because of either a real or perceived error or frustration with their dealings with Council. In certain circumstances, some complainants exhibit challenging behaviour that can be categorised as:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Such cases are referred to Corporate Governance for independent assessment and management through Council's Assisted Communications Program (ACP). This program is a management strategy designed to provide a communication channel to monitor and preserve the relationship with our customers whilst ensuring Council resources are used equitably.

Document History

Date	Details	Council Meeting Date
5 July 2006	Adopted	256/06
7 August 2012	Amendment – alterations to complaints management system	133/12
3 July 2017	Periodic review	Manager Corporate Services
13 July 2017	Reviewed Policy	Referred to Acting General Manager, Henry T Wong for endorsement.
7 July 2020	Administrative Review	Referred to CEO for endorsement
16 July 2020	Endorsement of minor amends	Executive Committee
June 2021	Policy Review	CEO / Mayor

Appendix A – Individual Rights and Mutual Responsibility of the Parties to a Complaint

In order for Strathfield Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all parties to the complaints process.

RIGHTS

Complainants have the right:

- to make a complaint and express their opinions in ways that are reasonable, lawful and respectful
- to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality and/or privacy rights or obligations that may apply
- to a fair and impartial assessment and where appropriate, investigation of their complaint based on the merits of the case
- to a fair hearing
- to a timely response
- to be informed of at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least on right of review of the decision on the complaint
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response

Staff have the right:

- to determine how a complaint will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subject of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by Strathfield Council staff who are managing the complaint
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably

RESPONSIBILITIES

Complainants are responsible for

- treating Council staff with courtesy and respect
- clearly identify to the best of their ability the issues of the complaint
- providing to the best of their ability all the relevant information available to them at the time of making the complaint
- being honest in all communication with Council
- informing Council of any other action they have taken in relation to their complaint
- co-operating with staff who are assigned to assess/investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, Council may consider placing limitation or conditions on their ability to communicate with staff or access certain services.

Council has a zero tolerance policy in relation to any abuse and threats directed towards our Staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint
- dealing with all complaints, complainants and people or organisation the subject of complaint professionally, fairly and impartially
- Understanding how their responses and approached may contribute to the conduct of complainants, and act in a way that supports de-escalation of unreasonable behaviour.
- Giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant

- Giving people or organisation the subject of complaint a reasonable opportunity to put their case during the course of any enquiries and before any final decision is made
- Informing the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substances of any proposed adverse comment or decision that they may need to answer or address
- Keeping complainants informed of the actions taken and the outcome of their complaints
- Giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- Treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- Taking all reasonable and practicable steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint
- Giving adequate warning of the consequences of unacceptable behaviour
- If Council or its staff fail to comply with these responsibilities, complainants may complain to the NSW Ombudsman and the Office of Local Government (NSW)

Subjects of a complaint are responsible for:

- Cooperating with the Council staff who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- Providing all relevant information in their possession to Council or its authorised staff when required to do so by a properly authorised direction or notice
- Being honest in all communication with Council and its staff
- Treating Council staff with courtesy and respect at all times and in all circumstances.