

HUNTER'S HILL COUNCIL

POLICY REGISTER



POLICY NO.	CORP.S-POL.22
POLICY TITLE	Complaints Handling Policy
APPROVAL	COUNCIL
SERVICE	Representations and Community Feedback
DOCUMENT ID	518157

POLICY STATEMENT

The purpose of this policy is to outline how Council will seek to resolve customer complaints.

This policy will ensure that customers can report complaints easily, and with confidence, and that they will be treated in a fair and equitable way, including:

- Receiving responses quickly, including being kept informed on the progress of the matter being reviewed.
- Ensuring Council is objective, and no customer is disadvantaged by lodging a complaint.
- Providing confidentiality, where it's practical and appropriate.

SCOPE

This policy applies to all:

- Residents and other customers of Council.
- Council employees.
- Contractors and consultants.
- Councillors.

Anyone who has contact with Council staff or Council facilities or utilises any Council services is eligible to make a complaint. This may be a visitor, a resident, an external contractor or any other stakeholder.

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 functions. Overall, and if handled correctly, complaint resolution increases confidence in Council administration.

Additionally, complaint handling can provide important information and data to enable Council to improve its standards and services.

The following is outside the scope of this Complaints Handling Policy:

- Obligations and adherence to the remit of the Code of Conduct must be dealt with in accordance with the procedures. Any complaint alleging a breach of the Code of Conduct are to be dealt with by the Office of Local Government.
- Requests for information (refer to Government Information (Public Access) Act).
- Service requests or requests for service (see definition, P.3).

OBJECTIVES

The objectives of this policy are to provide methods for handling and resolving complaints about:

- a decision or a failure to make-a-decision, including a failure to provide a written statement of reasons for a decision where required by this policy
- an act or to failure act
- the formulation of a proposal or intention
- the making of a recommendation.

This will also enable Council's Community Strategic Plan objectives of transparency, responsiveness and continuous improvement, in addition to our Customer Service Charter of informing, listening, adapting and responding to customer needs.

DEFINITIONS

Comment (or feedback) means positive or negative, verbal or written opinions about Council's products, services, facilities or employees or volunteers. A comment does not generally require a response, confirmation or follow-up.

Complaint is an expression of dissatisfaction made to or about Council's decisions, products, services, facilities, employees or volunteers, or the handling of a complaint.

Confidential is when complaint information is managed according to the Information Privacy Act (IPA) and Council's Information Management Privacy Policy.

Business Day means a day when the Council is normally open for business (i.e. Monday to Friday, excluding public holidays).

Dispute is an unresolved complaint escalated either within or outside of Council.

Employee and Council Officer includes a person employed directly by Council in a full-time, part time or casual capacity (whether that position is permanent or contractual) and a person providing services to, or on behalf of, the Council even though they may be employed by another party.

Public exhibition is customer participation in a formal Council consultation processes.

Resolution is the completion of the complaint process within the agreed time frame, inclusive of receipt, investigation, consideration and determination of a complaint which may or may not involve agreement of all the parties.

Request for Service or Service Request includes a request to take action about a Council service, or a request for information, e.g. request to fix a pothole, footpath maintenance, street sweeping, stormwater pollution, runoff and drainage, tree pruning, request to fix damage to a toilet block, graffiti, missed waste service or missing or stolen bin, overflowing public waste bin, tree maintenance, abandoned vehicle, illegal dumping, lost/found dog/cat.

Service standard is the performance measure standard for completing or carrying out Council services or functions, which is published in either Council's Community Strategic Plan or our website.

Unreasonable Complaint is any request:

- (i) from a complainant who has consistently, over a period of time, complained about minor or trivial matters
- (ii) that has previously been dealt with, and no new information has been provided by the complainant
- (iii) where the complainant, or the person on whose behalf the complaint was made, does not have a sufficient personal interest in the matter raised in the complaint; or
- (iv) that is frivolous or not made in good faith
- (v) considered by the General Manager having regard to all the circumstances of the request, that an investigation or the continuance of the investigation of the matter raised in the complaint, is unnecessary or unjustifiable.

POLICY GUIDELINES

1. WHAT IS A COMPLAINT?

A complaint includes a communication which is either written or verbal and expresses dissatisfaction with:

- The quality of an action taken, decision made or result of a service provided by an employee or a contractor engaged by Council.
- The delay by an employee or a contractor in taking action, making a decision or providing a service.
- A policy or decision made by Council, an employee or contractor.

2. WHAT IS NOT A COMPLAINT?

The following are not considered to be complaints and/or have different pathways for resolution under this policy:

- A request for service, e.g. a new bin or to fix a pothole.
- A request for information, documents or explanation of policies, e.g. a request for information relating to a DA.
- Disputes between neighbours not relating to Council business, e.g. a dispute about loud noise/music late at night.

- A complaint about information provided from a Government Information (Public Access) Act (GIPA) application.
- An internal complaint about a fellow staff member.
- A complaint that is subject to a statutory process.
- A complaint involving a State Government or Federal Government department/policy/law, e.g. roads under the care of RMS.

3. GUARANTEE OF SERVICE

Council is committed to resolving complaints and will ensure that complaints are received courteously, investigated and acted upon quickly and appropriately.

Council welcomes complaints as a way of improving services to the community. We will endeavour to respond to complaints promptly, provide complainants with realistic timeframes for the handling of complaints, and provide ongoing feedback about the progress of the complaint-handling process.

People making Complaints will be:

- Provided with information about our complaint handling process.
- Provided with 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 Council decision/s and any options for redress or review.

4. KEY PRINCIPLES

The key principles of Council's complaint resolution framework are:

1. Customer focus
Council is open to complaints from members of the public about Council's decisions, products, services, facilities, employees and volunteers, or the resolution of a complaint.
2. Transparency
Council publicises how and where complaints may be made, and will make the process of complaint resolution and investigation easy for complainants to access and understand.
4. Responsiveness
Complaints will be acknowledged promptly and addressed according to urgency. The complainant will be kept informed throughout the process. Council's primary focus will be resolution.
5. Fairness
To ensure the complaint handling process is fair and reasonable complaints will be dealt with in an equitable, objective and unbiased manner. Council will take every reasonable step to ensure that people making complaints are not adversely affected because a complaint is made by them or on their behalf.

6. **Support**
Council supports and assists customers who need help to make a complaint. There are opportunities for internal and external review and/or appeal about the organisation's response to a complaint, and complainants are informed about these avenues.
7. **Confidentiality**
Personal information related to complaints is kept confidential. Where appropriate the confidentiality of information related to a complaint will be respected. Complaints about employees or volunteers will be kept confidential during the investigation process.
8. **Accountability**
Council Officers have appropriate authority and guidance to resolve issues that commonly arise. Council provides appropriate training, support and resources to Council Officers who are responding to complaints. Accountabilities for complaint handling are clearly established, and complaints and responses are monitored and regularly reported to management.
9. **Continuous Improvement**
Complaints represent an opportunity for improvement in Council's internal procedures and processes, and support ongoing customer satisfaction monitoring such as annual surveying, interviews, forums, program evaluation forms, etc.

5. HOW TO LODGE A COMPLAINT

A formal complaint can be lodged:

- in person at Council's Customer Service Centre, 22 Alexandra Street, Hunters Hill
- by phone Ph: 9879 9400
- by email council@huntershill.nsw.gov.au
- by letter to Hunter's Hill Council, PO Box 21, HUNTERS HILL NSW, 2110
- online at www.huntershill.nsw.gov.au

Posts made via social media channels are deemed as comments and feedback on Council policies and/or services. Communications staff will regularly review and monitor posts to gauge community feedback on various topical issues within the community. Responses by Council officers to social media posts will occur depending on the subject matter being posted.

Submissions through public exhibition processes are not deemed as complaints under this policy. Where public exhibitions are undertaken, the outcomes of the community consultation process including positive and negative feedback will be reported back to an Ordinary Meeting of Council.

6. IMPORTANT INFORMATION TO INCLUDE IN YOUR COMPLAINT

It is always helpful to provide as much information as possible when lodging a complaint. The inclusion of the following details is important:

- name, address and contact details

- dates relevant to the issue being communicated
- thorough description of circumstances/relevant information
- if known, the staff member or person associated with the situation
- if any action has previously been taken to resolve the situation
- details of the action(s) being requested.
- any supporting documentation that can be provided.

7. WHAT IS COUNCIL'S COMPLAINT HANDLING PROCESS?

1. Receipt of complaint by Frontline Staff

Our staff will seek to resolve complaints wherever possible at first contact.

If customers are still dissatisfied or the complaint cannot be resolved by front-line staff, the matter will be referred to a senior staff member who will acknowledge the complaint within 2 working days. All complaints received will be recorded in our corporate business system for audit and reporting purposes.

2. Review and Investigation

Council will acknowledge complaints within 2 working days of the complaint being received. A reference number will be provided to the customer assist in tracking the complaint and monitoring the progress for resolution.

The complaint will be directed to the most appropriate person within Hunter's Hill Council, who will be responsible for keeping customers up-to-date on the progress of the complaint.

In acknowledging the complaint, a proposed course of action for resolution will be set out, including advice regarding the expected timeframe for an outcome.

3. Resolve or Independent Review

Throughout the review process, Council may contact customers to discuss concerns or to ask for more information. For more complex matters, a further investigation may be warranted.

Council will write back regarding the final outcome of any internal investigations.

4. Reporting and monitoring complaints

Council is committed to the following customer experience values:

- keeping customers informed
- active listening to feedback
- adapting processes to ensure we meet out service standard requirements
- responding effectively and consistently to customer requests.

To monitor and determine whether we are meeting our customer commitments, Council staff will regularly report to the Executive on the number and type of complaints it receives, and whether complaints have been resolved.

8. WHAT COMPLAINTS WILL NOT BE ASSESSED UNDER THIS POLICY?

Every complaint will be assessed and investigated, unless it fits within one of the following categories:

- It is a trivial, frivolous or unreasonable i.e. lacks substance or credibility, and is not made in good faith.
- It is made anonymously and the Manager determines there is insufficient information to investigate.
- The complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternative review process, e.g. through the Ombudsman's Office.
- It relates to an amount of a charge or rate set by legislation or by resolution of Council.
- The relevant Council Officer determines that an investigation be discontinued because the complainant fails to provide sufficient information or in some way inhibits the investigation, e.g. fails to provide information within a reasonable time period or refuses to give the necessary access to a property.

9. HOW ARE COMPLAINTS INVESTIGATED?

Investigation of a complaint will be carried out in an impartial manner. The Council Officer assigned to the complaint will approach the investigation with an open mind and avoid forming judgments until all available, relevant evidence has been gathered and assessed.

The investigation process will be appropriately documented and recorded.

Investigations will only be finalised after properly considering any submissions that affected parties may wish to make.

If a complaint is deemed to be unfounded, the responsible Council Officer will provide the complainant with reasons for the decision.

The standard process for investigating a complaint includes:

- a) Determining if the matter can be assessed within this policy framework.
- b) Outlining:
 - the scope of the review
 - key decision makers/stakeholders in the process
 - estimated time frame.
- c) Establishing the facts:
 - obtaining statements
 - interviewing any relevant staff, elected members or the complainant
 - establishing legislative framework
 - gathering facts and information.
- d) Preparing a report that includes:

- details of the complaint
- scope of the review
- details of the investigation
- findings
- recommendations.

The preliminary report will be reviewed for factual accuracy by staff and elected members involved in the complaint handling process.

10. WHAT CAN YOU DO IF YOU ARE NOT HAPPY WITH THE RESPONSE YOU RECEIVE FROM COUNCIL?

If you are unhappy with the response you receive from Council you can write to Council and request a review. If Council's response is incomplete or unclear and your problem remains unresolved you can determine if the issue falls within the framework of the following government review authorities.

10.1 The Office of Local Government

Often people contact The Office of Local Government (OLG) to assist them resolve their complaint. However, the OLG's investigations role is limited and deals specifically with the Public Interest Disclosures Act 1994 and Councillor misconduct.

For further information visit: <https://www.olg.nsw.gov.au/public/complaints-against-councils/olg-complaint-handling/understanding-olg-complaint-handling/>

To avoid duplication of resources, the Office of Local Government has entered into Memorandums of Understanding relating to the referral of complaint matters and the sharing of information with the NSW Ombudsman and the NSW Audit Office.

10.2 Ombudsman NSW

The NSW Ombudsman is an independent integrity agency that holds NSW government agencies and certain non-government organisations accountable to the people of NSW. The NSW Ombudsman handles complaints about councils, councillors and council staff and can look into the conduct of councillors and council employees and the administrative conduct of the council itself.

The types of matters that the public can complain about in relation to councils include:

- failing to comply with proper procedures or the law
- failing to enforce development consent conditions
- failing to act on complaints about unauthorised work and illegal activities
- failing to notify affected people before certain decisions are made
- failing to comply with tendering procedures
- providing unreasonable, discriminatory, or inconsistent treatment
- failing to reply to correspondence
- misusing secrecy provisions.

The NSW Ombudsman can also investigate the administrative conduct of accredited certifiers if they fail to act fairly and reasonably on complaints. However, the professional

conduct of accredited certifiers in relation to their professional judgement and technical decision making is subject to scrutiny by the Building Professional Board.

If you decide to lodge a complaint with us, remember that the Ombudsman cannot order a local council to do something or to change a decision it has made. The role of the Ombudsman is to make recommendations that promote fairness, integrity and practical reforms.

10.3 Independent Commission Against Corruption

The Independent Commission Against Corruption (ICAC) investigates corruption, which is the deliberate or intentional wrongdoing involving (or affecting) a public official or public authority in NSW.

People working in the Parliament, government departments, statutory authorities and local councils in NSW, as well as NSW magistrates, judges, local councillors and politicians are all public officials.

The ICAC Act provides detailed definitions of 'corrupt conduct', 'public authority' and 'public official'. For advice on whether a particular matter is within the ICAC's jurisdiction, please contact the ICAC.

10.4 Information and Privacy Commission NSW (IPC)

The IPC is an independent statutory authority that administers legislation dealing with privacy and access to government held information in NSW. Complainants can seek an IPC review if they feel that Council has not adequately responded to or provided information under the Government Information (Public Access) ACT 2009 (GIPA).

11. WHAT ARE THE POSSIBLE REMEDIES/OUTCOMES TO A COMPLAINT?

There may be a number of remedies that will be acceptable to both Council and the complainant, including:

- an explanation
- an apology
- mediation (Council has a qualified mediator on staff)
- a change in decision
- a change in policy, procedure or practice
- a correction of misleading errors
- financial reimbursement, including a refund of any fees
- disciplinary action
- referral of a matter to an external agency for further investigation.

Remedies will be consistent and fair and will provide a comprehensive resolution of the complaint and deal with all justified issues raised by the complainant.

If a customer remains dissatisfied by the Council Officer's investigations, the complaint will be referred to a more senior Council Officer or Manager for review.

Where a complaint cannot be resolved within Council, the complainant is referred to an outside agency to seek resolution. External agencies include the NSW Ombudsman, the Department of Local Government and the ICAC.

RELATED POLICIES AND DOCUMENTS

Hunter's Hill Customer Service Charter

Unreasonable Complainant Conduct

Code of Conduct

Procedures for the Administration of the Model Code of Conduct

Privacy Code of Practice

Privacy Management Plan

REVIEW

This policy to be reviewed every 2 years (or sooner)

ADOPTED BY COUNCIL:

DATE: 28 August 2023 RESOLUTION NO: 168/23

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
11.11.96	1.0	4056/96	Initial Adoption by Council	
26.06.06	1.1	263/06	Review and Update	
28.09.09	1.2	308/09	Review and Update	Annie Goodman
24.02.14	1.3	34/14	Review and Update	Annie Goodman
26.04.21	1.4	342/21	Review and Update	Annie Goodman
28.08.23	1.5	168/23	Review and Update	Annie Goodman