

<b>POLICY NAME:</b> <b>Complaints Management Policy</b>	
<b>DATE ADOPTED:</b> 10 June 2015	<b>COUNCIL MINUTE NUMBER:</b> <i>(if applicable)</i> N/A
<b>ECM NUMBER:</b> 7134244	<b>POLICY TYPE:</b> Organisational (adopted by General Manager)
<b>REVIEW DUE DATE:</b> June 2018	<b>RESPONSIBLE DEPARTMENT:</b> Legal and Governance
<b>RELATED DOCUMENTS</b> <i>(including relevant legislation)</i> <ul style="list-style-type: none"> <li>• Managing Difficult Customer Behaviour Policy</li> <li>• Public Interest Disclosures Act 1994 – Internal Reporting System Policy</li> </ul>	

## Purpose

This policy establishes Council's processes for managing complaints. The purpose of this policy is to:

- provide a consistent framework for receiving, managing and responding to complaints
- ensure that complaints are dealt with in a fair and timely manner, and
- facilitate continuous improvement of Council's services.

## Policy Statement

Penrith City Council values customer feedback and recognises that complaints provide valuable information for improving services and performance.

Council will fairly consider the complaints it receives in accordance with this policy. Customers will not suffer any reprisal or detrimental action from Council for making a complaint.

## Scope

This policy applies to all staff and customers of Penrith City Council.

## CONTENTS

1.	Introduction .....	4
2.	What is a Complaint? .....	4
3.	What is Not a Complaint? .....	4
4.	What are Frivolous or Vexatious Complaints? .....	4
5.	Unreasonable and Persistent Complaints.....	5
6.	Complaints that will not be Investigated.....	5
7.	Responsibilities .....	5
	Councillors .....	5
	General Manager .....	6
	Assistant General Managers .....	6
	Public Officer.....	6
	Chief Governance Officer .....	6
	Executive Managers.....	6
	Managers and Supervisors.....	7
	Other Officers.....	7
8.	How to make a Complaint.....	7
	Assistance with Lodging a Complaint .....	7
	Written Complaints .....	7
	Verbal complaints.....	7
	Complaints to a Councillor.....	8
9.	Anonymous Complaints.....	8
10.	Service Standards and Time Limits .....	8
11.	Urgent Matters.....	8
12.	Complaint Handling Process .....	8
	Tier 1 – Frontline Complaint Handling .....	8
	Tier 2 – Internal Review.....	9
	Tier 3 – External Review .....	9
13.	Remedies .....	10
14.	Special Types of Complaints .....	10
	Complaints Regarding Councillors.....	10
	Complaints Regarding the General Manager.....	10
	General Complaints Regarding Staff .....	10
	Complaints Regarding Corrupt Conduct.....	10
	Complaints which are Public Interest Disclosures.....	11

15.	Monitoring .....	11
16.	Reporting.....	11
17.	Failure to Meet Customer Service Standards .....	11
18.	Policy Contact .....	11
19.	Document Control .....	11

## 1. Introduction

This policy is based on the joint publication by the NSW Ombudsman and the NSW Office of Local Government entitled "Complaints Management in Councils", and the NSW Ombudsman's publication "Effective Complaint Handling Guidelines 2<sup>nd</sup> Edition".

This policy outlines Council's decision making processes and associated procedures for recording, managing, and reporting on complaints. It also includes information for customers on how to make complaints to Council.

## 2. What is a Complaint?

A complaint is an expression of dissatisfaction with Council's:

- decisions
- policies
- procedures
- fees or charges
- employees
- agents (including contractors and volunteers),
- level or quality of services provided (including facilities provided or goods sold), or
- failure to respond to a previous request for service.

## 3. What is Not a Complaint?

The following are not considered to be complaints (unless it is an expression of dissatisfaction that a previous request has not been responded to):

- a request for Council services
- a request for documents, information or an explanation of policies or procedures
- neighbourhood disputes or requests for Council to exercise a regulatory function including reports about neighbours, noise, dogs, unauthorised building work, or other regulatory function
- the lodging of a submission, appeal or objection in accordance with a statutory process, standard procedure or policy (unless it is recorded as a complaint about the Council's decision making)
- reports of damaged or faulty infrastructure
- an expression of disagreement with a lawfully made decision
- an expression concerning the general direction or performance of Council's elected representatives.

## 4. What are Frivolous or Vexatious Complaints?

Frivolous complaints are complaints that are considered to be trivial or senseless. Frivolous complaints are usually made with the intention of causing a nuisance. Similarly, vexatious complaints are complaints that are made without sufficient grounds only to cause annoyance or harm to the subject of the complaint.

Council acknowledges that most complaints are not frivolous or vexatious and are made in good faith. However, occasionally Council may receive complaints that it deems to be frivolous or vexatious. Council may determine not to investigate frivolous or vexatious complaints.

Determining whether a complaint is frivolous or vexatious involves a judgement call that is based on the nature of the complaint and any supporting information. A determination that a complaint is frivolous or vexatious can be made by the General Manager, an Assistant General Manager, an Executive Manager, the Chief Governance Officer or the Public Officer.

## **5. Unreasonable and Persistent Complaints**

In rare circumstances Council may be required to deal with difficult customer behaviour amounting to unreasonable or persistent complaints. In those circumstances, Council may deal with the complaint in accordance with Council's Managing Difficult Customer Behaviour Policy.

## **6. Complaints that will not be Investigated**

Council may decide that a complaint will not be investigated in circumstances where the complaint:

- is considered frivolous, vexatious or not made in good faith
- is considered to be an unreasonable or persistent complaint that is being dealt with in accordance with Council's Managing Difficult Customer Behaviour Policy
- is a second request for service within a reasonable service level timeframe
- involves a matter where an adequate remedy or right of appeal exists
- is a matter that is subject to existing mediation processes
- relates to a matter awaiting determination by the Council
- relates to a matter before a court or tribunal
- relates to the appointment or dismissal of an employee, or an industrial or disciplinary issue
- involves threats against Council or its staff.

Should Council decide not to investigate a complaint, the complainant will be advised of the reason for the decision. A determination that a complaint will not be investigated can be made by the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer, Public Officer or relevant Manager.

## **7. Responsibilities**

All Council Officers are responsible for complaint management and are required to comply with the provisions of this policy. All Council Officers are required to respond to complaints in a courteous, fair, timely and confidential manner, and in accordance with the service standards outlined in this policy.

Specific complaint management responsibilities are assigned below and may be altered at the discretion of the General Manager.

### **Councillors**

Councillors have a responsibility to accept complaints and ensure the matter is referred to Council's Officers as soon as practicable after receiving the complaint.

Generally, Councillors are to refer complaints to Council's Officers via the Councillor Records Mail Box. Councillors may also choose to speak directly with the General Manager, Chief Governance Officer or other relevant senior staff about complaints they receive. Council's Records Management Coordinator may request alternative methods for recording complaints received by Councillors if considered necessary.

## **General Manager**

The General Manager has a leadership role in the management of complaints. The General Manager is also responsible for:

- accepting complaints
- resolving complaints referred to the General Manager for review
- receiving complaints that allege corruption and for referral to the Independent Commission Against Corruption (the ICAC)
- receiving complaints in relation to the conduct of staff.

The General Manager may allocate responsibility for dealing with particular complaints as deemed necessary.

## **Assistant General Managers**

Assistant General Managers are responsible for:

- accepting complaints
- assisting the General Manager in dealing with complaints as deemed necessary by the General Manager.

## **Public Officer**

The Public Officer is responsible for:

- accepting complaints
- investigating complaints and deciding on appropriate outcomes and remedies, and
- conducting internal reviews of complaints referred to the Public Officer.

## **Chief Governance Officer**

The Chief Governance Officer is responsible for:

- accepting complaints
- investigating complaints and deciding on appropriate outcomes and remedies
- assisting the General Manager in dealing with complaints and establishing protocols for managing particular complaints
- administering complaints received about Executive Managers, the Public Officer and Assistant General Managers, under the direction of the General Manager
- conducting internal reviews of complaints referred to the Chief Governance Officer, and
- administering and overseeing the performance of this policy.

The Chief Governance Officer may investigate the management of particular complaints if the Chief Governance Officer has reason to believe that an investigation is required.

## **Executive Managers**

Executive Managers are responsible for:

- accepting complaints
- investigating complaints and deciding on appropriate outcomes and remedies
- investigating and resolving complaints received about Managers

- investigating and resolving complaints referred to them for review.

### **Managers and Supervisors**

Managers and Supervisors are responsible for:

- accepting complaints
- investigating complaints and deciding on appropriate outcomes and remedies
- referring complaints to Executive Managers, the Public Officer or the Chief Governance where necessary.

### **Other Officers**

All other officers are required to accept complaints and make attempts to resolve complaints to the satisfaction of Council and customers. If a complaint cannot be resolved, or if requested by the customer, Council Officers are required to record and refer complaints to their Supervisor or Manager.

## **8. How to make a Complaint**

Council will respond to complaints whether they are provided in writing or verbally. However, it is Council's preference that complaints are made in writing and therefore all customers are encouraged to make their complaints in writing.

Written complaints are preferred as they assist with the efficient administration, investigation and resolution of customer concerns. When lodging a complaint, customers should include details such as their name, address, contact number, a brief description of the complaint and supporting information if available.

### **Assistance with Lodging a Complaint**

Council's officers will help customers lodge complaints where necessary. This may include providing reasonable assistance to put a complaint in writing or arranging a language aid if required. If a customer is unable to write a complaint and a staff member is unable to assist the customer in writing the complaint, staff should accept the complaint verbally and make a record of the complaint.

In situations where a customer needs the assistance of a staff member to put a complaint in writing, customers are encouraged to make an appointment with the relevant staff member.

### **Written Complaints can be:**

- posted to: PO Box 60 Penrith NSW 2751
- delivered in person to: 601 High Street Penrith NSW 2750, or  
270 Queen Street St Marys
- emailed to: [council@penrith.nsw.gov.au](mailto:council@penrith.nsw.gov.au)
- faxed to: 02 4732 7958

### **Verbal complaints can be made:**

- by Telephone: 02 4732 7777
- In person at: the Civic Centre 601 High Street Penrith, or  
St Marys Office 270 Queen Street St Marys

## **Complaints to a Councillor**

Complaints can be made to Councillors. When Councillors receive a complaint, the usual practice is for Councillors to refer the complaint to Council's Officers via the Councillor Records Mail Box. Councillors may also refer complaints to the General Manager, Chief Governance Officer or other relevant senior staff.

## **9. Anonymous Complaints**

Council encourages customers to provide full contact information when lodging complaints.

Council will generally only act on anonymous complaints where there is sufficient information in the complaint to enable an investigation to be conducted. Council cannot divert significant resources to investigating complaints where insufficient information about the complaint is provided.

A decision not to investigate an anonymous complaint can be made by the General Manager, Assistant General Manager, Executive Manager, Chief Governance Officer, Public Officer or relevant Manager. Complaints about corrupt conduct however must immediately be referred to be the General Manager or Chief Governance Officer.

Where possible, Council will attempt to provide the complainant with reasons for any decisions made about their complaint. However, if the complainants contact details are not provided it may not be possible for Council to provide a response.

## **10. Service Standards and Time Limits**

Penrith City Council aims to address complaints according to the following timeframes and service standards:

- register the complaint in Council's Electronic Document Management System within 24-hours of receiving the complaint
- send a written response to the complainant within 10 working days of registering the complaint in Council's Electronic Information Management System
- send an acknowledgement letter within 10 working days of registering the complaint, if the complaint requires further investigations or a more detailed response that will take additional time to research and compile
- communicate clearly in plain language
- clearly explain decisions and/or Council's position on the issues raised.

## **11. Urgent Matters**

Some types of complaints may need to be treated in special ways, such as complaints involving urgent public safety issues. Complaints about urgent safety issues should be referred to and dealt with immediately by the relevant Officers.

## **12. Complaint Handling Process**

Council uses a three tiered approach to handling complaints as described below.

### **Tier 1 – Frontline Complaint Handling**

Council's Officers will aim to address complaints at the first point of contact wherever possible.



Frontline complaint handling involves:

- recording the complaint in relevant databases and Council's Electronic Information System
- attempted resolution by frontline staff, or
- referral to an appropriate person or agency to deal with the complaint.

Customers are encouraged to make their complaint to the Council Officer who provided the original service or who had previously dealt with their issue. This is more likely to result in a speedy resolution to the complaint.

If a customer is uncomfortable dealing with the original Council Officer or if the complaint is about the Officer who provided the service, the customer may choose to lodge their complaint with an alternative Officer (preferably in writing). If a Council Officer receives a complaint about their own actions or level of service, the Officer must refer the complaint to their immediate supervisor.

When dealing with complaints Council Officers need to ensure that they operate within the scope of their position and delegated authority. Complaints about corrupt conduct are to be immediately referred to be the General Manager or Chief Governance Officer.

### **Tier 2 – Internal Review**

It is appropriate for most complaints to be resolved by frontline staff. However, where a customer is unsatisfied with the original decision or the level of service provided, the customer may request a review of their complaint by a more senior Officer.

Wherever possible, Second Tier complaints should be made in writing and include reasons as to why the customer is unhappy with the earlier decision or service. Customers can obtain the name and contact details of the relevant Officer to which to make the complaint, by contacting Council on 4732 7777 and making the relevant enquiries.

Alternatively, the complaint can simply be addressed to Council and Council's Information Management Department will refer the complaint to the appropriate Officer (see Section 6 on How to Make a Complaint).

If a customer is unsatisfied with the review process or with the actions of the reviewing Officer, the complaint can be re-submitted to the relevant Executive Manager, the Public Officer or the Chief Governance Office for further investigation.

If the complaint is about the actions of an Executive Manager, the Public Officer or the Chief Governance Officer, the complaint can be submitted to the General Manager.

### **Tier 3 – External Review**

In some cases the customer may not be satisfied with the outcomes of Council's internal review or conciliation processes. If that is the case, Council's officers will advise the customer of external review options such as:

- the NSW Ombudsman
- the NSW Office Of Local Government
- the ICAC

In some situations there may be legal remedies available to customers. Should that be the case customers are encouraged to obtain independent legal advice.

### **13. Remedies**

Customers who lodge a complaint are invited to identify what action they would like to see taken to resolve their complaint. Council will consider the customer's request when investigating the complaint. However, it may not always be possible or appropriate for Council to take the requested action.

Remedies that might be available could include:

- an apology by Council where Council has made a mistake or where the actions of a Council Officer has caused offence
- provision of the requested service
- provision of more information about Council's policies or decision making processes, and/or regular updates
- clarification of Council's position on the matter
- a refund of overcharged or incorrectly charged monies
- a commitment to investigate, review and/or recommend changes to Council policies or practices
- a recommendation to refer the complaint to an external body (where Council cannot resolve the matter to the satisfaction of the complainant).

### **14. Special Types of Complaints**

Due to legislative or policy requirements, certain types of complaints may need to be handled in a particular manner. This may include the types of complaints listed below.

#### **Complaints Regarding Councillors**

Complaints regarding Councillors will be referred in the first instance to the General Manager. The General Manager will refer all Code of Conduct Complaints about Councillors to the Council's Complaints Coordinator (apart from those that are required by the Code of Conduct to be referred to the NSW Office of Local Government).

#### **Complaints Regarding the General Manager**

Complaints regarding the General Manager will be referred in the first instance to the Mayor.

#### **General Complaints Regarding Staff**

Generally, complaints about a Council Officer will be referred to the Officer's immediate supervisor, Manager or Executive Manager.

#### **Complaints Regarding Corrupt Conduct**

Complaints regarding corrupt conduct (as defined by Sections 7, 8 and 9 of the *Independent Commission Against Corruption Act 1988*) will be referred immediately to the General Manager and/or the Chief Governance Officer.

Where the General Manager suspects on reasonable grounds that the complaint concerns or may concern corrupt conduct, the General Manager will report the matter to the ICAC.

## Complaints which are Public Interest Disclosures

Complaints by Council Officials alleging corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention are considered Public Interest Disclosures in accordance with the *Public Interest Disclosures Act (1994)*.

All complaints received which are Public Interest Disclosures will be managed in accordance with Council's Public Interest Disclosures Act 1994 – Internal Reporting System Policy.

### 15. Monitoring

Complaints will be recorded in Council's Electronic Document Management System for administration, reporting and analysis. The Chief Governance Officer is responsible for implementing processes to monitor and analyse complaints. Processes for monitoring complaints will be implemented and reviewed as deemed necessary by the General Manager or Chief Governance Officer.

### 16. Reporting

The Chief Governance Officer is responsible for 6-monthly reporting to the General Manager and Corporate Leadership Team on Council's complaints management performance. Generally, reports will include the following information:

- a description of the general nature of complaints received
- the average complaint resolution time
- a description of any significant issues arising out of complaints
- a description of actions taken to address and resolve complaints
- details of complaints resolved outside of the required timeframes
- feedback from customers where appropriate
- any other information deemed necessary

### 17. Failure to Meet Customer Service Standards

The General Manager and the Chief Governance Officer may implement procedures for monitoring failures to meet service standards which could in turn lead to complaints. This may include situations where Council fails to respond to a request for service or fails to resolve a matter appropriately.

### 18. Policy Contact

For information regarding this policy please contact the Office of the General Manager on 4732 7659.

### 19. Document Control

POLICY HISTORY	DATE
Version 1 – Adopted by General Manager	10 June 2015
Version 2 – Minor changes made to contact details and review date extended	7 February 2017