



GLEN INNES SEVERN COUNCIL

Complaints Management Policy

RESOLUTION NUMBER:	15.06/20	MEETING:	25 June 2020
	9.07/17		27 July 2017
	4.04/15		23 April 2015
	8.08/12		23 August 2012
	15.08/10		26 August 2010
	8.06/08		26 June 2008

INTRODUCTION

This policy has been established to ensure that complaints received by Glen Innes Severn Council are managed efficiently, consistently and fairly. The policy is the framework for Council's Complaints Management System.

The Complaints Management Policy aims to provide Glen Innes Severn Council with an opportunity to:

- Receive feedback from the community;
- Identify and target the causes of complaints to improve services and operations;
- Respond effectively to cases of dissatisfaction;
- Strengthen public support;
- Reduce dissatisfaction and complaints in the future; and
- Achieve excellence in customer service.

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

WHAT IS A COMPLAINT?

A complaint is an expression of dissatisfaction with the Council's level and quality of service or policies or procedures. Dissatisfaction may arise from the service provided by Council staff, contractors and systems or from the impact of a particular policy and procedure.

A complaint for the purpose of this policy does not include matters unrelated to Council staff or Councillors or services provided by Council.

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A complaint **does not** include:

- A request for services;
- Reports of damaged or faulty infrastructure (e.g. road pothole);
- Reports of hazards (e.g. fallen tree branch);
- Reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works);
- A request for information or explanation of policies or procedures or decisions of Council; and
- The lodging of an appeal in accordance with procedure or policy.

Requests for services or information, reports concerning Council's assets and activities, and the lodging of appeals to Council's decisions do not constitute a complaint and should not be recorded as one.

A valid complaint is one (1) where Council would appear to have failed to respond appropriately to a request for service or a report.

LODGING A COMPLAINT

Any staff member approached by persons enquiring how to lodge a complaint must advise that person of the methods available. There is no need to record the enquiry.

Complaints may be lodged with Council:

- In person Town Hall Office; or by
- Telephone 6730 2300;
- Facsimile 6732 3764;
- Email council@gisc.nsw.gov.au; or
- Letter addressed to:
 - The General Manager
Glen Innes Severn Council
PO Box 61
GLEN INNES NSW 2370.

Complaints **will not** be accepted through social media outlets such as Facebook.

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

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Complaints against a staff member or Councillor will only be accepted in writing.

Any staff member may receive a complaint and must follow the procedures set out in this Policy.

Any Councillor in receipt of a complaint should refer the matter directly to the General Manager, relevant Director or Public Officer.

The Public Officer

Council's Public Officer is charged under the *Local Government Act 1993*, with the responsibility of dealing with complaints from the public concerning Council's affairs. Council's Director of Corporate and Community Services holds the position of Public Officer and can be contacted at the Grey Street Administration Office on 02 6730 2300.

Complaints that will not be investigated

The Public Officer may determine that a complaint will not be investigated where that complaint:

- Is not lodged in accordance with the methods for lodgement specified in this Policy;
- Is considered an expression of an opinion, commentary, or feedback; or not made in good faith; or concerns a trivial matter; or is frivolous or vexatious as may be determined due to unreasonable demands, arguments, behaviours, persistence, or unreasonable lack of co-operation;
- 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;
- Relates to a decision of Council;
- Relates to conduct before a court, coroner or tribunal;
- Relates to matters under investigation by the Minister for Local Government, Independent Commission Against Corruption (ICAC), the NSW Ombudsman's office, a Minister of the Crown or government department or the NSW Police Service;
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- Relates to a decision, recommendation, act or omission which is more than one (1) year old;
- Relates to a matter awaiting determination by the Council;
- Relates to the actions or conduct of private individuals;
- Relates to a matter where there is insufficient information available; or

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- Involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against Council.

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

Anonymous Complaints

The Public Officer will determine whether an anonymous complaint will be investigated dependent 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.

Serious Complaints

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 as detailed in the Procedures section of this Policy and referred to the Public Officer or General Manager. 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.

Complaints of this nature will be dealt with in accordance with Council's separate policies such as the Code of Conduct, Fraud and Corruption Prevention Policy, Human Resources Policy Statement Register (Unsatisfactory Performance / Disciplinary Procedure Policy) and Internal Reporting System under the *Protected Disclosures Act 1994*.

Confidentiality

Council will not disclose the identity of a complainant should the complainant request their details remain confidential.

COMPLAINT HANDLING SYSTEM

Council has adopted a three-tier complaint handling management system involving:

Tier 1 - Frontline Complaint Handling

Staff are empowered with clear delegations to resolve complaints wherever possible at first contact. Staff will register all complaints and the resolution / action taken and if needed delegate the complaint to another relevant officer. All information related to any complaint must be forwarded to the Public Officer.

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Tier 2 - Internal Review

The Public Officer or a senior officer designated by the Public Officer or General Manager reviews unresolved complaints.

Tier 3 – External Review

Still unresolved complaints are referred externally. This may take the form of:

- Alternative dispute resolution procedure, such as mediation or conciliation;
- Complaint referred to external agency, such as the Ombudsman; or
- Complainant informed of appeal procedure or other legal remedy.

COMPLAINT HANDLING PROCEDURE

Tier 1 – Complaint Resolved on the Spot

A staff member receiving a complaint of a minor nature should deal with the complaint at that time or refer it immediately to the appropriate staff member who may be able to resolve the problem on the spot.

All complaints received at council@gisc.nsw.gov.au or in hard copy are to be referred to the Records team for registration into Council's recordkeeping system, ECM where they will be tasked to the Corporate and Community Services **Customer Request Coordinator (CRC)**.

The Corporate and Community Services CRC will:

- determine that the complaint is valid (i.e. not a customer request);
- enter the details of the complaint onto the spreadsheet;
- notify the DCCS (Council's Public Officer) of the complaint;
- determine, in conjunction with the DCCS, that the complaint is a complaint for Council, and not a complaint for an external agency;
- notify the relevant Director and Action Officer of the complaint;
- follow up with the Action Officer and the complainant until the matter is resolved, updating the spreadsheet and ECM;
- notify the relevant Director that the investigation is completed;
- notify the DCCS (Council's Public Officer) that the investigation is completed;
- notify the General Manager that the investigation is completed.

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Complaints received via the telephone, counter, or individual email addresses are to be referred to the Corporate and Community Services CRC if they cannot be resolved on the spot.

In the event of the Corporate and Community Services CRC not being available, verbal complaints are to be referred to the Corporate and Community Services CRC via email, and include:

- the name of the person making the complaint;
- the contact details of the person making the complaint;
- the details of the complaint;
- the remedy sought.

The CRC will:

- determine that the complaint is valid (i.e. not a customer request);
- enter the details of the complaint onto the spreadsheet;
- notify the DCCS (Council's Public Officer) of the complaint;
- determine, in conjunction with the DCCS, that the complaint is a complaint for Council, and not a complaint for an external agency;
- notify the relevant Director and Action Officer of the complaint;
- follow up with the Action Officer and the customer as required until the matter is resolved, updating the spreadsheet;
- notify the relevant Director that the investigation is completed;
- notify the DCCS (Council's Public Officer) that the investigation is completed;
- notify the General Manager that the investigation is completed.

Tier 1 – Complaint Resolved Following Investigation

All complaints of a more serious or complex nature or, minor verbal complaints that cannot be resolved on the spot, must be registered in Council's Complaints Register spreadsheet in accordance with the workflow procedure for complaints and referred to the relevant Manager or Director for investigation, action and a response to the complainant.

The complaint is also referred to the Public Officer as part of the workflow process so that complaints may be monitored and followed up as necessary.

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The Corporate and Community Services CRC, in conjunction with the Public Officer, will determine if a complaint should have been lodged with an external agency or authority and will contact the complainant to refer that person to the appropriate agency or authority.

The Manager / Director investigating the complaint will:

- Determine the remedial action to be taken;
- Determine the responsible officer to deal with the complaint; and
- Ensure that all details of the investigation and remedial action taken or offered to the complainant, and the subsequent response to the complainant, are reported against the original complaint in Council's Complaints Register spreadsheet.

Following the investigation of the complaint, the investigation report must be noted by the relevant Director and then be referred to the Public Officer who will note that the investigation is completed.

The matter will then be referred to the General Manager for information.

This process must be completed within 10 working days of receipt of the complaint, except where further information is waiting to be received.

Tier 2 - Unresolved Complaint Referred for Internal Review

Complaints that have not been resolved to the satisfaction of the complainant following completion of the Tier 1 procedure, will be then subject to internal review to provide a satisfactory alternative means of address for the complainant.

A Council officer upon being advised by the complainant that the complaint has not been dealt with satisfactorily must refer the matter to the Public Officer who will advise the complainant that the matter has been referred for internal review.

The internal review will be conducted by the Public Officer or a senior officer designated by the Public Officer or General Manager to review and investigate the unresolved complaint, with the focus being on resolving the complaint wherever possible.

The Public Officer or designated senior officer will have the delegation to:

- Reconsider the original decision or remedial action afresh and take any appropriate corrective action;
- Overturn previous decisions and apply remedies as considered necessary; or
- Apply appropriate redress in cases where the review reveals maladministration or detriment arising from the Council's dealing with the complainant.

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The internal review must be conducted within 14 days of referral of the matter to the Public Officer.

The Public Officer shall forward a letter to the complainant advising of the result of the review, any action taken and of the right to an external review.

Tier 3 – External Review

Should a complaint and subsequent review not be resolved to the satisfaction of the complainant, the Public Officer may determine to offer a dispute resolution procedure, such as mediation or conciliation. Should an appeal procedure or other legal remedy exist, the Public Officer will advise the complainant accordingly.

Alternatively, the Public Officer will advise the complainant that the complaint may be referred to an external agency for review. Complaints, dependant on their nature, can be referred to the following external agencies for an external review:

EXTERNAL AGENCY	NATURE OF COMPLAINT
<p>The NSW Ombudsman Level 24,580 George Street SYDNEY NSW 2000</p> <p>Phone: 02 9286 1000 or Toll free: 1800 451 524 Facsimile: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au</p>	Matters concerning maladministration or related to child abuse.
<p>Office of Local Government Locked Bag 3015 NOWRA NSW 2541</p> <p>Phone: 02 4428 4100 Facsimile: 02 4428 4199 Email: olg@olg.nsw.gov.au</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>The Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2001</p> <p>Phone: 02 8281 5999 or Toll free: 1800 463 909 Facsimile: 02 9264 5364 Email: icac@icac.nsw.gov.au</p>	Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The <i>ICAC Act</i> requires the General Manager to report suspected cases of corrupt conduct to ICAC.

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Anti-Discrimination Board PO Box W213 PARRAMATTA WESTFIELD NSW 2150 Phone: 02 9268 5555 or Toll free: 1800 670 812 Facsimile: 02 9268 5500 Email: complaintsadb@justice.nsw.gov.au	Matters in relation to discrimination, disability and harassment.
Australian Competition and Consumer Commission GPO Box 3131 CANBERRA ACT 2601 Phone: 1300 302 502	Competitive neutrality complaints.
Information and Privacy Commission NSW PO Box 7011 SYDNEY NSW 2001 Phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au	Breaches of the <i>Privacy and Personal Information Act 1998</i> .

PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS

A complaint against a Councillor must refer to the guidelines contained within Council's Code of Conduct as adopted at that time.

REPORTING OF RESULTS

The Public Officer shall maintain statistics of complaints to allow performance reporting in the bi-annual and annual review of Council's Operational Plan.

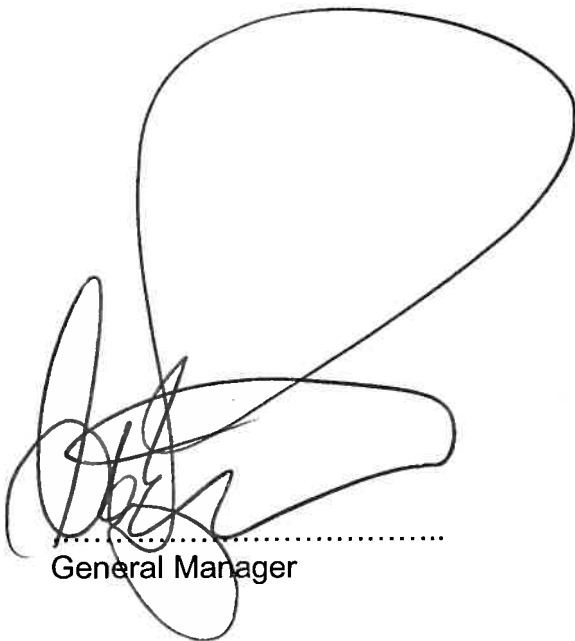
IMPLEMENTATION / COMMUNICATION

This Policy will be communicated to all new staff as part of their induction. Revised versions of the Policy that contain significant changes will be communicated to all relevant staff by the Director of Corporate and Community Services. New versions that contain only minor or inconsequential changes will be distributed to managers for highlighting at team meetings.

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VARIATION AND REVIEW

This Complaints Management Policy shall be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of this policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.



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General Manager

6/7/20
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Date

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