



Burwood Council

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COMPLAINTS MANAGEMENT POLICY

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Corporate Document
Adopted by Council: 27 August 2019 (Min. No. 97/19)
Trim No.: 14/8188
Version No.: 3
Ownership: Internal Ombudsman

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1. Introduction

Burwood Council endeavours to provide the highest level of customer service in its delivery of services and management of public funds. Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing customer satisfaction.

2. Purpose

To ensure that:

- the community's right to comment is protected and promoted
- all complaints are dealt with in a timely and effective manner
- information that can assist in improving the Council is captured in a systematic way, allowing corrective actions to be put in place where necessary
- the community's satisfaction with Council services is increased and in turn contribute to the job satisfaction of staff

3. Scope

The Policy applies to Councillors, Council Officers and delegates who deal with customers, members of the public, other agencies, service providers, community organisations or other members of staff.

4. Responsibilities

All Council Officers are required to comply with the provisions of this policy.

Managers, Group Managers and Deputy General Managers are responsible for investigating complaints, determining outcomes and recommending appropriate remedy.

All complaints about Council Officers will be determined by the Complaints Against Council Officers Process via the Assessment Panel.

The Internal Ombudsman is responsible for dealing with serious or difficult complaints which have been escalated to him/her as per the provisions of this policy, and for organising legal service as required under this policy.

The General Manager is responsible for dealing with serious or difficult complaints which have been escalated to him/her as per the provisions of this policy.

5. Principles

This policy is based on the customer satisfaction formula suggested by the NSW Ombudsman's Effective Complaint Handling Guidelines (2004) and the Australian Standard ISO 10002:2004, MOD, Customer Satisfaction – Guidelines for complaints handling in organisations.

Doing the job right the first time + **Effective customer contact / complaint handling** = **Increased customer satisfaction / support**

Effective complaints management benefits the organisation in the following ways:

- Promotes active citizenship by providing clearly communicated mechanisms for the community to have input into service delivery and improvement
- Provides valuable feedback on Council's performance
- Allows Council to identify areas, processes or skills that need improvement

- Gives Council a second chance to serve, satisfy or clarify issues for dissatisfied customers

6. Definitions

What is a Complaint?

A complaint is an expression of dissatisfaction with Council's level and quality of service, its officers, agents, or policies and procedures affecting an individual or a group of customers.

The above complaints are considered general complaints, and they are dealt with and resolved inside Council.

Exceptions

This policy does not apply in circumstance where there is legislation covering the making of a complaint. For example:

- The making of a Public Interest Disclosure under the *Public Interest Disclosures Act 1994*
- The making of applications for internal review of alleged breaches of privacy under the *Privacy and Personal Information Act 1998*
- The making of applications for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act)

Information on the above procedures is available from Council's website, or at Council's Customer Services Centre.

For complaints concerning Councillors, the General Manager, corrupt conduct, child protection, pecuniary interests, public interest disclosures, competitive neutrality, please see Section 14 – Special Complaints of this Policy.

What is Not Considered a Complaint?

Burwood Council will not consider the following as a complaint:

- an initial request for works or services
- a request for information or explanation of policies, procedures and decisions of Council
- a request for information regarding Council's assets or services
- an expression concerning the general direction or the performance of Council or its elected representatives
- reports concerning neighbours disputes
- an expression of disagreement with Council's policy, procedures or a lawfully made decision

Complaints that will not be Investigated

Burwood 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
- is a second request for service received within the service level timeframe
- involves a matter where an adequate remedy or right of appeal exists, whether or not the complainant uses the remedy or right of appeal
- where a matter is subject to existing mediation process
- private neighbourhood disputes
- relates to a decision of Council
- relates to a matter awaiting determination by the Council
- relates to matters already under investigation by the Minister for Local Government, the ICAC, the NSW Ombudsman's office, a Minister of the Crown or Government Department or the NSW Police Force

- relates to a matter before a court or tribunal
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue
- relates to the actions or conduct of private individuals, not contracted by Council
- involves a matter where the complainant declines or refuses to provide further information deemed necessary for action to be taken
- involves threats made against Council
- relates to a decision, recommendation, act or omission which is more than one year old

Should the Council decide not to investigate a complaint, the complainant will be advised of the reason for the decision.

Anonymous Complaints

Burwood Council encourages complainants to provide full contact information when lodging complaints.

In the event of an anonymous complaint, Council will determine whether the 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. Council will determine whether there is a statutory requirement for identification of the complainant.

An anonymous complainant cannot be provided with reasons for any decision made about their complaint.

7. Confidentiality

Council will not disclose the identity of complainant(s), should the complainant request their details remain confidential at the time the complaint is lodged. Burwood Council manages personal and private information collected by Council in accordance with Council's Privacy Management Plan, the *Privacy and Personal Information Protection Act 1988*.

Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimisation or retribution as a result of the complaint.

8. Safeguards Against Victimisation and Retribution

Allegations of victimisation and retribution as a result of lodging a complaint will be investigated if substantiated. If a community member experiences such behaviour they should lodge a complaint with the General Manager or with Council's Internal Ombudsman.

9. Lodging a Complaint

When lodging a complaint, complainants should include details such as name, address and contact number, together with a brief description of the complaint.

Complaints may be lodged with Council:

- In Person
By attending Council's Customer Service Centre located at Level 2, 1-17 Elsie Street, Burwood. The Customer Service Centre is open 8.30am-4.45pm Monday to Friday.
- By Telephone
Direct to Council's Customer Service Centre on (02) 9911 9911.

- In Writing

- Email: council@burwood.nsw.gov.au
- Post: PO Box 240, BURWOOD NSW 1805
- Fax: (02) 9911 9900

- To a Councillor

Complaints can be made to Councillors of Burwood Council. In these circumstances it will be the responsibility of the Councillor to ensure the matter is notified to the General Manager as soon as practicable after having received the complaint.

The General Manager will refer the complaint to the Assessment Panel.

Upon receipt of a complaint, the procedure as outlined in Section 12 of this Policy will be followed.

10. Assistance with Lodging a Complaint

Council is committed to ensuring complainants are not disadvantaged and will provide assistance to any person who wishes to make a complaint.

Should an interpreter be required, Council will provide a language aide staff member or arrange for an interpreter through the Telephone Interpreter Service (TIS).

11. Service Standards

Burwood Council aims to address and finalise all complaints within the following specified timeframes:

- acknowledge the complaint within 2 working days by phone or email
- record the complaint in Council's electronic document management system on the same day
- finalise the response to the complainant within 10 working days of receiving the complaint
- if further information is required then the complainant will be informed of it within 10 working days.
- a finalised response will be sent to the complainant within 20 working days
- all actions undertaken will be recorded in Council's electronic document management system

12. Complaint Handling Process

Complaints about Council Officers

All complaints about Council Officers will be determined by the Complaints Against Council Officers Process via the Assessment Panel.

Tier 1 – Frontline Complaints Handling

Complainants are encouraged to provide feedback and lodge their complaint with the Council Officer who provided the service or who dealt with the issues, as this is more likely to result in a speedy resolution to the complaint.

A staff member receiving a complaint of a minor nature should, within the scope of their sub-delegation of authority, deal with the complaint at that time or refer it immediately to the appropriate Council Officer who may be able to resolve the complaint on the spot.

Tier 2 – Management Complaints Handling

Where complaints cannot be resolved at the first point of contact, or where they are received in writing, they will be tasked to the appropriate Manager or Supervisor to investigate and address.

All complaints will be acknowledged within 2 working days by phone or email, allocated a document number, which the customer can use to trace the progress of their complaint with Council, and recorded on Council's electronic document management system on same day of receipt.

All complaints will be addressed within 10 working days of receipt, except where further information is required.

If further information is required, the complainant will be informed within 10 working days of receipt. A finalised response must be sent to the complainant within 20 working days.

Contractors conducting work on behalf of Burwood Council are required to report complaints regarding any aspects of their work to their Contract Administrator. On request from the complainant, the Contractor shall refer the complainant directly to the Contract Administrator.

All actions must be recorded by the Contract Administrator on electronic document management system and copied to their Manager.

Tier 3 – Escalation

If the complainant remains unsatisfied after speaking to or corresponding with the Council Officer who delivered the service or who dealt with the issue, or if they feel uncomfortable approaching the officer, then they may lodge the complaint with a more senior officer, Manager or supervisor.

All complaints and actions must be recorded on Council's electronic document management system, and will be copied to the relevant Executive Member.

The relevant Deputy General Manager must sign off on the relevant Manager's response to the complaint.

Tier 4 – Internal Review

Should the processes undertaken by the Manager or supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, or should the complaint be about an Executive Member of Council, the Manager or supervisor will refer the complaint to the Internal Ombudsman for further review.

Tier 5 – External Review - Referral

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, Council will recommend to refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Office of Local Government or the Office of the Information and Privacy Commissioner.

13. Remedies

Remedies may include:

- an apology where Council has made a mistake or where a Council Officer's comments or behaviour have offended
- provision of the desired service
- a refund of overcharged or incorrectly charged monies
- provision of more information about Council's policies and/or the decision making process including regular progress updates
- a commitment to investigate and/or review Council procedures or practices where a complaint is justified
- recommendation to refer the complaint to an external body where Council cannot resolve the matter to the satisfaction of the complainant

14. Special Complaints

Complaints Concerning Councillors

Complaints concerning Councillors of Burwood Council will be managed in accordance with Council's Code of Conduct and will be referred in the first instance to the General Manager.

The General Manager will assess the complaint in accordance with Council's Code of Conduct to determine if the complaint is to be referred to Council's Conduct Review Panel. Any matter referred to the Conduct Review Panel will be managed in accordance with Council's Procedures for the Administration of the Code of Conduct.

Complaints Concerning the General Manager

Complaints concerning the General Manager will be managed in accordance with Council's Code of Conduct and will be referred in the first instance to the Mayor.

The Mayor will assess the complaint in accordance with Council's Code of Conduct to determine if the complaint is to be referred to Council's Conduct Reviewer/Review Committee. Any matter referred to the Conduct Review Panel will be managed in accordance with Council's Procedures for the Administration of the Code of Conduct.

Complaints Concerning Corrupt Conduct

Complaints concerning allegations of corrupt conduct (as defined by Sections 7, 8 and 9 of the *Independent Commission Against Corruption Act 1988*) will be referred immediately and directly to the General Manager and/or the Internal Ombudsman.

Where there is reasonable suspicion that corrupt conduct is or may be involved, a report will be forwarded to the ICAC.

Under Section 11 of the *Independent Commission Against Corruption Act 1988*, the General Manager must report to the Independent Commission Against Corruption in circumstances where there is reasonable suspicion that corruption in any form has occurred within Council.

The reporting of such matters to ICAC will not delay reporting to the Police or any other authority.

Complaints Concerning Child Protection

In accordance with Council's Child Protection Policy any child protection concerns must be reported in the first instance to the Internal Ombudsman of the relevant work area. A mandatory report may be made to the Department of Community Services NSW following investigation by the Internal Ombudsman and approval from General Manager.

Any Council Officer who is investigated and is found to have committed an offence against a child or young person will be subject to Council's disciplinary processes. Any allegation or conviction of child abuse against an employee of Council will immediately be forwarded by the Council's General Manager to the NSW Ombudsman.

Complaints Concerning Pecuniary Interests

All complaints relating to pecuniary interest matters will be forwarded to the General Manager for referral to the Chief Executive of the NSW Office of Local Government.

Complaints concerning pecuniary interests matters are required to be assessed and investigated by the Chief Executive of the NSW Office of Local Government.

Complaints Concerning Public Interest Disclosures

All complaints made which are public interest disclosures will be managed in accordance with Council's *Public Interest Disclosures Act 1994* – Internal Reporting Policy.

Complaints Concerning Competitive Neutrality

Burwood Council supports the principles of competitive neutrality by ensuring that Council business operates without any net competitive advantages over other businesses as a result of its public ownership.

Council will receive and consider any complaint alleging that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

Any complaint of this nature received by Council will be managed in accordance with this policy and associated procedures.

15. Challenging Complainants

Burwood Council accepts that the process of making a complaint to an organisation can sometimes be difficult and distressing. It is acknowledged that this may result in difficulties in communicating concerns and distressed behaviour.

In a small percentage of cases, despite the best efforts of Council, it may be challenging to manage complainants whose conduct is unreasonable, and whose actions or motivations are unacceptable.

Council will treat all complaints with the utmost seriousness and will take reasonable steps to manage these situations, while fulfilling the obligation to provide its employees with a safe workplace and to ensure appropriate use of public resources.

In the case of malicious, frivolous and vexatious complaints, as well as persistent and difficult complainants, Burwood Council reserves the right to put in place administrative controls to assist in the management of the issue.

The following provisions apply to complainants and anyone acting on their behalf:

Malicious, Frivolous and Vexatious Complaints

Burwood Council will take no further action on the complaint if, following investigation, it is found that the complaint:

- was made maliciously to damage a person's career, reputation or livelihood
- is of trivial and superficial nature
- is not supported by any evidence and made primarily for the purpose of causing annoyance

A decision to take no further action on the complaint will be made by the General Manager or the Internal Ombudsman, and the complainant will be informed in writing of such decision.

Council management may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints. Council's Internal Ombudsman will arrange for such legal advice.

Council's Internal Ombudsman will determine whether the complainant should be requested to apologise in writing to the Council Officer and/or the Council or offer a full retraction.

Persistent Complainants

From time to time, the Council will encounter situations where:

- The complainants persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response or whilst the complaint is being addressed (care must be taken not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
- The complainants persist in pursuing a complaint, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the realm of the Council to investigate.
- Complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance.
- The complainants have excessive contact with the Council and place unreasonable demands on staff. For the purpose of determining an excessive number, a contact may be in person, by telephone, letter, email or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- There is any inference that the complainants have recorded meetings or face-to-face or telephone conversations without the prior knowledge and consent of other parties involved.
- The complainants are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly.

Under these circumstances, in order to avoid resources to be unreasonably diverted, Council may decide to put in place an administrative control to limit responses to future complaints.

Details of the number and nature of the complaints and subsequent responses from Council will be provided to the responsible Council Executive Member, who will make a recommendation to the General Manager and/or the Internal Ombudsman that further correspondence and/or telephone contact is to be restricted.

If a decision is made to endorse the recommendation, the General Manager or the Internal Ombudsman will notify the complainant in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

The complainant will be advised that any future written material on the complaint subject will be filed.

With respect to telephone calls, the complainant may be told that their call will only be taken during restricted times and only by a specific person; or that no future telephone calls will be accepted or interviews granted on the same matter.

Difficult Complainants

Complainants who display aggressive or abusive behaviour such as abusive language (oral or written), threats, sexual remarks, rudeness, or have threatened or used physical violence towards Council Officers or property at any time, may be restricted from access to Council buildings or staff.

Details of such behaviour will be provided by Council Officers to the relevant Executive Member who will make a recommendation to the General Manager and/or the Internal Ombudsman that access to the Council and to Council Officers is to be restricted.

If a decision is made to restrict access, the General Manager or the Internal Ombudsman may notify the complainant:

- that the complainant is not permitted to enter Council buildings for a period of time
- that no phone calls will be accepted
- that they may only correspond with Council in writing
- of the nature and duration of restrictions placed upon them

At times Council may decide to nominate a legal representative to maintain contact with the complainant. The complainant will be notified of this person.

Administrative Control

Where Council has placed a ban on a complainant, Council will review the control depending on the severity of the matter. The complainant will be notified in writing of the ban.

All threats of violence will be reported to the NSW Police Force and the complainant will be banned from entering Council's premises for a period of time to be determined by Council. The complainant will be notified in writing by the General Manager.

The register of difficult complainants is managed by the Internal Ombudsman.

Review of Controls

The General Manager will review the ban depending on the severity of the matter. The complainant will be advised in writing once the ban has been lifted.

16. Monitoring

All complaints will be entered into Council's corporate database to allow for reporting and trend analysis. Specifically Council's Executive will be assessing whether issues are systemic or recurring, and subsequently implement steps to improve processes and reduce further complaints.

17. Reporting

Customer Service Complaints

On a monthly basis the Group Manager Customer Services and Records will provide reports (from the corporate database) to the Executive on complaints received and subsequent follow-up and departmental action. Reports will provide the following information on each complaint:

- the issue at the centre of the complaint
- dates and history of complaint, if available
- team/s
- Manager responsible to address the complaint
- action taken to address complainant's issues

- feedback from the complainant, where available, as to satisfactory resolution of the complaint or otherwise

Staff Complaints

The Internal Ombudsman is responsible for maintaining a register of complaints about staff.

On an annual basis the Internal Ombudsman will prepare a statistical summary of complaints received for the statutory annual report.

18. Implementation Statement

To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, Burwood Council Officers and the community and will include:

- presentations and information sessions for Councillors
- training on complaints handling for staff as part of induction and training programs
- specific training for Managers on how to analyse and respond to complaint types, to promote a culture of continuous improvement
- development of a "How to lodge a complaint" brochure, made available at Council buildings and on Council's website
- articles in the Mayoral Column and in Council's newsletter Burwood Update
- use of Council website to promote policy and procedures

Related Information/Glossary

- Complaints Against Council Officers - Process
- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*
- *NSW Ombudsman's Effective Complaint Handling Guidelines (2004)*
- *Australian Standard ISO 10002:2004, MOD, Customer Satisfaction – Guidelines for complaints handling in organisations*
- *Public Interest Disclosures Act 1994*
- Burwood Council's *Public Interest Disclosures Act 1994* – Internal Reporting Policy 2011
- *Government Information (Public Access) Act 2009*
- Burwood Council's Code of Conduct and the Procedures for Administration of the Code Conduct
- Burwood Council's Privacy Management Plan
- Burwood Council's Child Protection Policy
- NSW Ombudsman and Office of Local Government, Practice No 9 – Complaints management in Councils (2009)
- *Civil Liability Act (2002)*

External Agencies

Agency	Nature of Complaint
NSW Ombudsman Level 24, 580 George Street, SYDNEY NSW 2000 Phone: 02 9286 1000 or 1800 451 524 Fax: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au	Matters concerning maladministration

Agency	Nature of Complaint
NSW Division of Local Government Locked Bag 3015, NOWRA NSW 2541 Phone: 02 4428 4100 Fax: 02 4428 4199 Email: dlg@dlg.nsw.gov.au	Matters concerning serious Council misconduct or pecuniary interest matters
The Independent Commission Against Corruption GPO Box 500, SYDNEY NSW 2001 Phone: 02 9318 5999 or 1800 463 909 Fax: 02 9264 5364 Email: icac@icac.nsw.gov.au	Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The General Manager is required to report suspected cases of corrupt conduct to the ICAC.
Anti-Discrimination Board PO Box a2122, SYDNEY SOUTH NSW 1235 Phone: 02 9268 5555 or 1800 670 812 Fax: 02 9268 5500	Matters in relation to discrimination, disability and harassment
Australian Competition and Consumer Commission GPO Box 3648, SYDNEY NSW 1044 Phone: 02 9230 9133 Fax: 02 9232 6107	Competitive neutrality complaints
Privacy NSW PO Box A2122, SYDNEY SOUTH NSW 1235 Phone: 02 9268 5588 Fax: 02 9268 5501 Email: Privacy_NSW@agd.nsw.gov.au	Breaches of the <i>Privacy and Personal Information Protection Act 1998</i>
Office of the Information Commissioner GPO Box 7011 SYDNEY NSW 2001 Free call phone: 1800 INFOCOM (1800 463 626) Email: oicinfo@oic.nsw.gov.au	Breaches of the <i>Government Information (Public Access) Act 2009</i> (GIPA Act)

Review

The Internal Ombudsman will conduct a review of Council's Complaint Handling Policy every four years to ensure the processes are responsive and appropriate in addressing issues raised by complainants. This review, along with any findings and recommendations, will form the basis of a report to Council.

The General Manager has the delegated authority to amend the procedures to this policy.

Contact

Internal Ombudsman – 9911 9993

Complaints Flowchart

Complaints about Council Officers

All complaints about Council Officers will be determined by the Assessment Panel via the Internal Ombudsman.

Tier 1 – Frontline Complaints Handling

Council Officers receiving a complaint of a minor nature should, within the scope of their delegation of authority, deal with the complaint at that time or refer it immediately to the appropriate officer who may be able to resolve the problem on the spot.

Tier 2 – Management Complaints Handling

Where complaints cannot be resolved at the first point of contact, or where they are received in writing, they will be tasked to the appropriate officer to investigate and address.

All complaints will be acknowledged within 48 hours by phone or email, and will be allocated a ~~leg~~ document number (~~TRIM~~ electronic document management system) which the customer can use to trace the progress of their complaint with Council.

All complaints will be addressed within 10 working days of receiving the complaint, except where further information is required.

If further information is required then the complainant will be notified within 10 working days, and a finalised response sent within 20 working days.

Tier 3 – Escalation

If the complainant remains unsatisfied after speaking to or corresponding with the officer who delivered the service or who dealt with the issue, or if they feel uncomfortable approaching the officer directly, then they may lodge the complaint with a more senior officer, Manager or supervisor.

The relevant Deputy General Manager will be notified of all escalated complaints, and will sign off on the Manager's response to the complaint.

Tier 4 – Internal Review

Should the processes undertaken by the Manager or supervisor fail to resolve the complaint, or the outcome be regarded as unsatisfactory to the complainant, or should the complaint be about a Deputy General Manager, the Manager or supervisor will refer the complaint to the Internal Ombudsman for further review.

Tier 5 – External Review - Referral

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, Council will recommend to refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the ~~Division~~ Office of Local Government or the Office of the Information Commissioner.