

COMPLAINTS MANAGEMENT POLICY

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RESPONSIBLE OFFICER		General Manager	

PART 1: INTRODUCTION

Riverina Water County Council provides democratic government through its services and facilities for the benefit of our customers. Customers have the right to expect satisfactory standards of work and good conduct in service delivery.

The performance of the Council, at times, may not be to the satisfaction of customers or other external stakeholders. In those circumstances the Council is committed to ensuring the opportunity is available to express dissatisfaction through an effective complaints management system and that any complaint received through the system is dealt with courteously, investigated fully and acted on within an appropriate time period.

1.1 Policy Objectives

- To improve Council's operations through responding positively to complaints.
- To facilitate the resolution of that complaint in accordance with the Council's statutory powers and responsibilities.
- To allow audit, monitoring and analysis to take place on complaints related data.
- To develop community confidence and trust that Council is responsive and caring.

1.2 Scope of Policy

This policy covers the following types of complaint:

- Complaints of a general nature,
- Complaints of corrupt conduct, maladministration or misuse of Council resources,
- Competitive neutrality complaints,
- Complaints that cannot be resolved through normal Council procedures and where the customer expresses a clear desire and intention to lodge a formal complaint.
- Unreasonable complainant conduct.

The policy does not cover:

- Service requests,
- Requests for information or explanation of policies or procedures of decisions of Council,
- Reports of damaged or faulty infrastructure,

- Reports of hazards,
- Reports concerning neighbours or neighbouring properties,
- Appeals against Council decisions, policies or procedures, unless recorded as complaints about Council's decision-making process,
- Complaints under the *Code of Conduct* which are subject to a separate process,
- Privacy complaints which are subject to separate processes.

1.3 Definitions

<i>Complaint</i>	A complaint is any dissatisfaction expressed by an interested party about specific Council decisions, procedures, charges, staff, agents, or quality of service. The complainant defines the complaint.
<i>Formal Complaint</i>	This relates to complaints that cannot be resolved through normal Council procedures and where the customer expresses a clear desire and intention to lodge a complaint in writing. Formal complaints are referred to the General Manager for investigation following the <i>Guidelines for Managing Complaints</i> .
<i>Competitive Neutrality Complaint</i>	This is a complaint that Council has not met its obligations under the National Competition Policy and has not abided by the spirit of competitive neutrality in the conduct of a Council business. Competitive neutrality complaints are referred to the General Manager for investigation following the <i>Guidelines for Managing Complaints</i> .
<i>Complaint under the Code of Conduct</i>	These complaints relate to breaches of the Code of Conduct. Code of Conduct complaints are made in writing to the General Manager and are dealt with by processes set out in the <i>Guidelines for Dealing with Complaints under the Code of Conduct</i> .

<p><i>Protected Disclosure</i></p>	<p>This is a complaint made under the Protected Disclosures Act. It covers disclosures relating to corrupt conduct, maladministration or serious and substantial waste of public money.</p> <p>The investigation of protected disclosures follows the <i>Guidelines for Managing Complaints</i> but is subject to additional requirements relating to confidentiality and protection from retribution which are set out in the <i>Protected Disclosure Internal Reporting System</i>.</p>
<p><i>Privacy Complaint</i></p>	<p>This is a complaint made under the Privacy and Personal Information Protection Act, 1998. It covers complaints concerning breaches of the Act by Council.</p> <p>The investigation of Privacy complaints is set out in Council's Privacy Policy.</p>

1.4 Related Documents

- Council's Code of Conduct
- Guidelines for dealing with Code of Conduct Complaints (DLG)
- Protected Disclosures Policy (Pol 1.11)
- Practice Note No 9 - Complaints Management in Councils (DLG)
- Unreasonable Complainant Conduct - Practice Manual 2009 - NSW Ombudsman

PART 2: POLICY CONTENT

2.1 General Provisions

Council will:

- Deal with complaints promptly in accordance with its *Complaints Management Policy*,
- Seek to resolve complaints at the time they are made,
- Publicise its complaints management processes,
- Ensure members of the public dissatisfied with Council's conduct are aware of their right to lodge complaints,

- Acknowledge complaints within seven working days including advice about the action taken to resolve the complaint,
- Advise complainants of their right to complain to the Ombudsman, the ICAC or the Department of Local Government
- Deal with protected disclosures in accordance with its *Protected Disclosures Policy*,
- Ensure that only the people directly involved in the complaint, or in sorting it out, will have access to information about the complaint,
- Report in its annual report on the outcome of complaints, using this information to identify and rectify deficiencies in Council services.

2.2 Specific Provisions

2.2.1 Complaints of a General Nature

These complaints may range from simple matters involving rudeness by employees or delays in responding to water service interruptions through to serious matters concerning breaches of Council policies or procedures.

2.2.2 Complaints Made to Council Staff

The complaint handling process for Council employees is broken down into three levels:

Level One – First Line Complaint Handling

- All first line staff are responsible for receiving, registering and ensuring the resolution of all straightforward, minor complaints as speedily as possible. They have the authority to resolve problems on the spot.
- First line staff may refer complaints to their supervisor or department manager if they are unsure who should attend the problem.
- In the case of more serious complaints, first line staff shall direct the complaint to the General Manager.

Level Two – Internal Review or Investigation

- Where the customer is still dissatisfied the General Manager will review the complaint and report back to the complainant.

Level Three – Independent Review

In all cases, if a complaint cannot be resolved within Council, the complainant is offered one of the following alternatives:

- An alternative dispute resolution procedure such as mediation;
- Referral to an external agency such as the Independent Commission Against Corruption, the NSW Ombudsman or the Director-General of the NSW Office of Local Government.
- Appeal procedures or other legal remedies.

2.2.3 Complaints Made to Councillors

Complaints are sometimes made directly to Councillors rather than to Council staff. In order for the above processes to be followed, Councillors are requested to:

- Ask the complainant whether they have previously made the complaint to Council staff. If not, please ask them to contact Council's Customer Services staff so that relevant details can be logged,
- Log the complaint on a Request Form and refer it to the General Manager.

A report will be made to the respective Councillor regarding action taken on the complaint.

2.2.4 Complaints Concerning Corrupt Conduct

These complaints should be referred to the General Manager or if the complaint relates to the General Manager the complaint is referred to the Chairman and dealt with in accordance with the *Guidelines for Managing Complaints*. All complaints relating to allegations of corrupt conduct are to be immediately referred to ICAC in accordance with the published procedure.

2.2.5 Complaints Concerning Competitive Neutrality

In the event of a competitive neutrality complaint being received, the following procedures will be followed:

- Competitive complaints must be submitted in writing,
- The General Manager will acknowledge receipt of the letter within seven (7) days and will provide details of how it is proposed to handle the complaint,
- The General Manager will investigate the complaint, obtain any advice that is necessary and provide a full response within twenty-one (21) days.

2.2.6 Making Restitution

An important part of Complaint Management is ensuring that if a complaint is found to be correct then some form of restitution is made to the complainant. Making restitution is a way of acknowledging that a wrong has been done and that it is regretted.

There are various ways of making restitution:

Apologising

The most common form of restitution is making an apology. Often this is sufficient to resolve the complaint. Different forms of apology include a verbal apology, a written apology or a published apology. The type used depends on the situation and the nature of the complaint.

Making Good

There will be occasions where Council will agree to or be directed to make good any damage that it has caused to another party. Council will need to consult its insurer before taking such an action.

Compensation

Separate from any cost involved in making good, Council may agree to or be directed to make a payment of money to a complainant for pain, suffering, embarrassment or loss of income caused by Council's negligent action.

2.3 Difficult Complainants

There may be occasions where the complainant's actions or motivations are unacceptable. We recognise that staff have rights that must be respected when dealing with aggressive or vexatious complainants.

Many complainants are angry and aggrieved, sometimes with good cause. Most behave in legitimate ways. A very small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make it difficult for the Council rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. Unreasonable complainants should be dealt with in accordance with the NSW Ombudsman's Practice Manual '*Unreasonable Complainant Conduct*'.

Definition of a Vexatious Complainant

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them demonstrates that they meet two or more of the following criteria:

- Complaints made maliciously to damage a persons' career or reputation
- Complainants threaten or take violent action against themselves, staff or property
- Complaints made without evidence to cause annoyance

- Complainants persistently changing 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)
- 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
- 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
- Complainants regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point.
- It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria
- 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 staff at any time
- Complainants who have excessive contact with the Council and place unreasonable demands on staff. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail 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
- Complainants are known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved
- Complainants make unreasonable demands on the customer/complainant relationships and fail to accept that these may be unreasonable, for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable or with the Council's Complaints Procedure or normal recognised practice