



## Complaints Handling Policy 2015

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### Purpose and Scope

Uralla Shire Council is governed by the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The purpose of this policy is to describe how complaints will be managed in Uralla Shire Council. An effective complaints handling system is an essential part of the provision of quality service by Council.

It is one method of measuring community satisfaction and provides a useful source of information and feedback for improving a Council's services. 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.

### Legislation, Standards and Guidelines

- *NSW Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- Effective Complaint Handling Guidelines – 2<sup>nd</sup> Edition December 2010 – Ombudsman NSW
- Uralla Shire Council Operating Policies
- Uralla Shire Council Customer Service Charter

## Definitions

**Customer:** different terms are used to refer to customers, clients or consumers. Uralla Shire Council uses the generic term 'customer' to refer to all of these groups.

**A Complaint:** is an expression of dissatisfaction with Council's policies, procedures, charges, employees, agents or quality of service provided.

**A Request for a Service:** or for information about a service is not a complaint. However, they may escalate into a complaint if action is not taken within designated timeframes or is undertaken in an unprofessional or substandard manner.

**An objection:** to a Development Application (DA) or a submission made to Council in response to a call for public comment, is not a complaint.

**A concern for service levels:** that are the result of limits set by Council policy, and not the result of organisational or mechanical breakdown, are not a complaint but rather a customer request.

**A competitive neutrality complaint:** (as defined by the Department of Local Government's Guidelines on Competitive Neutrality) is:

(a) a complaint that Council has not met its requirements under the Policy Statement on 'Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality'. This includes a concern that Council has not established an effective complaints handling mechanism in relation to such complaints, or

(b) a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

(a) a complaint regarding the level of service provided by a business activity;

(b) a complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account;

(c) a complaint regarding the trade practices laws and their application to councils.

**A vexatious complaint:** is one with the intention to annoy or disrupt the processes of Council, without real basis. These may still require investigation before being dismissed.

**A substantial response** is a response which advises:

(a) the action that Council has or will take in relation to a complaint together with the timeframe within which that action will occur; or

(b) the reasons why Council is unable to take action in relation to the complaint; or

(c) that the complaint has been referred to an external body and the reasons for that referral.

## Policy Statement

Council recognises that customer feedback is welcome and that customers are entitled to have complaints heard and actioned fairly, respectfully, and with complete confidentiality.

Effective complaint resolution requires responding to the complainant's needs as a person as well as responding to the identified problem. Fixing the problem alone will not necessarily produce satisfaction.

How you treat the complainant in the process is equally important to complaint resolution and will be a prime factor in how that person relates to Council in the future.

There are some basic principles of quality service. In addition to high standards in service delivery and the importance of a customer focus, agreed principles include:

- economy;
- efficiency;
- effectiveness;
- fairness;
- impartiality;
- accessibility; and
- responsiveness.

In order to achieve the objectives of the policy, Council will:

- Provide customers with information concerning Council's Complaints Management Policy;
- Inform customers of the options available and the avenues of review if they are not satisfied with the outcome or decision following investigations into their complaint;
- Ensure the lodging of a complaint is simple and reliable, and instil confidence in the customer that all complaints are handled promptly, fairly and confidentially;
- Ensure complaints are responded to quickly. If a speedy resolution is not possible, then a response indicating the process to be undertaken and an estimate of the time frame will be provided to the complainant;
- Ensure staff understand their obligations and the procedures to follow when a complaint is received; and
- Provide a framework for reporting on complaints received to ensure the continual improvement of services, systems and staff skills.

Council's complaint handling system is an organised way of responding to, recording, reporting and using complaints to improve Council's service to customers. It includes procedures for customers to make complaints and guidelines for staff to resolve complaints, and provides information to managers and staff that can assist them to prevent customer dissatisfaction in the future.

An effective complaints system benefits Council by:

- creating a second chance to provide service and satisfaction to dissatisfied customers;
- identifying areas that need improvement;
- providing opportunities to strengthen public support for the agency; and
- assisting in planning and allocation of resources.

Complaints should be viewed as opportunities for service recovery and improvement in the first instance.

Council may choose from a number of options in order to resolve a complaint. Options may include, but are not limited to, an explanation of policies or procedures or why particular action was or was not taken, an apology, change of decision, changes to the relevant policy or procedure, financial compensation including an ex gratia payment, repair or replacement, technical assistance, or the waiver of debt.

Should a complaint remain unresolved at the completion of the investigation, or if the complainant is not satisfied with the resolution offered, the complainant is entitled to refer the matter to an external organisation for review.

### **Public Awareness of the Complaints Handling Policy**

Public awareness of this Policy is a vital component of Council's commitment to customer service. Council will provide clear explanatory material on this Policy, including brochures, web notification and a complaints form available on line.

Complainants are encouraged to submit complaints in writing, either using the form available from Council's customer service areas or from Council's website via the Council email address Inbox, or by letter or fax.

### **Timeframes**

The designated officer will respond substantially to any complaint (other than a competitive neutrality complaint) within **21 days** after it is received. If it is not possible to respond substantially to a complaint within that time, the designated officer shall forward an acknowledgement letter to the complainant within that time period advising that the complaint is being investigated and that a response will be forwarded within a **further 28 days**. If the investigation into the complaint is ongoing beyond this period, the complainant must be kept informed of the likely timeframe for resolution and be promptly advised following completion of the investigation.

### **Special Cases**

If a complaint is received relating to:

(i) a Councillor, it is to be referred as soon as possible to the General Manager;

(ii) the General Manager, it is to be referred to the Mayor and handled in accordance with the General Manager's contractual arrangements with Council and the provisions of specific legislation as described above, if applicable; and

(iii) a member of staff (other than the General Manager), it is to be:

(a) referred to the relevant Executive Manager (or if it relates to an Executive Manager, to the General Manager), unless the complaint alleges a breach of the Code of Conduct by that member of staff, in which event it is to be referred directly to the General Manager;

(b) handled in accordance with Council policy and HR agreements.

No complaint about the conduct or performance of a member of staff shall be either investigated or responded to by that member of staff.

### **Confidentiality**

Council shall not release any personal details of complainants unless:

- (a) the identity of the complainant has already been disclosed in a publicly available document; or
- (b) the complaint is clearly malicious or not made in good faith, or is, in Council's opinion, vexatious or frivolous; or
- (c) the complaint is an objection to a building or development application and the complainant has not requested that his/her identity remain confidential; or
- (d) Council is required by law (eg: via subpoena) to release the information available; or
- (e) the complaint is referred to an external agency, in which event Council will provide the external agency with details of the complainant's identity; or
- (f) The complainant agrees to Council releasing their personal information.

### **Reporting**

All complaints should be forwarded in the first instance to the Public Officer (Manager of Governance and Information). A monthly report on Complaints received to Council is provided to the General Manager through the Governance and Information business area.

Council will report on how it manages Complaints Management in its Annual Report.

### **Responsibility**

The Governance and Information area is responsible for the day to day management of Governance and Information policy and practice at Uralla Shire Council, including strategic management, continuous quality improvement, legislative compliance requirements and financial management.

### **Accountability, Roles and Responsibility**

The Governance Framework prescribes the standards and provides guidance to support sound governance practices throughout Uralla Shire Council. It ensures performance and the delivery of goods, services and programmes as guided by each business area of the Council and conformance to ensure the Council meets relevant Act, Regulations, standards and community expectations of probity, accountability and openness in local government.

### **Attachments**

N/A