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# Cessnock City Council Complaint Handling Procedure

Date Adopted 11/12/2019 Revision: 1

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## 1. PROCEDURE OBJECTIVES

- 1.1. The objective of this procedure is to provide guidance to staff and Complainants on how Council handles Complaints.

## 2. PROCEDURE SCOPE

- 2.1. This procedure applies to Complaints made and accepted in accordance with Council's Complaint Handling Policy.

## PART A - COMPLAINT MANAGEMENT SYSTEM

### 3. TIER 1 COMPLAINTS

- 3.1. Tier 1 Complaints will be forwarded to the relevant Unit or Directorate for action as follows:
  - 3.1.1. If the Complaint involves a staff member, it will be forwarded to their Manager who will nominate an officer within their team responsible for handling the complaint. Managers can also nominate themselves as the responsible Complaint handling officer.
  - 3.1.2. If the Complaint involves a Manager, it will be forwarded to their Director for handling.
  - 3.1.3. If the Complaint involves a Director, it will be forwarded to the General Manager for handling.
- 3.2. Extensions for providing response are to occur only with complex matters which require input from multiple Business Units within Council, consultation with external agencies and organisations, or the allegations involved are of a Serious Nature.

### 4. TIER 2 COMPLAINTS (requests for internal review)

- 4.1. Tier 2 Complaints will be forwarded to the Public Officer for handling.
- 4.2. Where the Public Officer was involved in the handling of a Tier 1 Complaint, a request to review the Complaint will be forwarded to the General Manager for review.
- 4.3. The officer reviewing the Complaint is required to review the history of the matter, including any findings from any previous investigations and any responses and information provided to the Complainant.
- 4.4. Where an internal review is not completed, or expected to be completed within 20 working days, the Complainant should be contacted and advised who is handling the Complaint and when they can expect to receive a response.

### 5. TIER 3 COMPLAINTS (requests for review from external agencies)

- 5.1. Where a person making a Complaint is dissatisfied with the outcome of Council's review of their Complaint, they may seek an external review of our decision by the NSW Ombudsman or the Office of Local Government (**OLG**).

- 5.2. Complaints referred by external bodies such as the NSW Ombudsman, the OLG, the Information and Privacy Commission (**IPC**) and the Independent Commission Against Corruption to Council (**ICAC**) will automatically be directed to the Public Officer or their delegate for handling and/or response.

## 6. RECEIPT OF COMPLAINTS

### 6.1. Complaints by third parties

- 6.1.1. A letter of authority nominating a representative to act on behalf of the Complainant will be satisfactory evidence in order for Council to liaise with the representative instead.
- 6.1.2. If a Complaint is lodged on behalf of a Complainant by a professional representative, for example a solicitor corresponding on firm's letterhead or email, verification is not required and Council will respond directly to the representative.

### 6.2. Anonymous complaints

- 6.2.1. Anonymous Complaints are to be forwarded to the Public Officer in the first instance to determine what action, if any needs to be taken.
- 6.2.2. In assessing and determining what action to take in relation to anonymous Complaints consideration will be given to:
- i. the seriousness of the Complaint;
  - ii. whether the Complaint can be actioned without further information from the Complainant. If not, the Complaint may not be actioned; and
  - iii. if the anonymous Complainant gave sufficient information or detail to allow a complaint to be fully investigated.

### 6.3. Complaints about Contractors

- 6.3.1. Council retains a level of responsibility for services carried out by Contractors on its behalf.
- 6.3.2. Council's Policy applies to all Contractors carrying out services on Council's behalf to the extent provided for in their contract / agreement with Council.
- 6.3.3. Where Council has made provision for a Contractor to handle any complaints about their services, the Complainant may be directed to contact the Contractor in the first instance.
- 6.3.4. If the Complainant is not satisfied with the outcome of the Complaint, they can ask Council to review the decision and such a request will be treated as a Tier 2 Complaint.
- 6.3.5. All outcome letters written by Contractors in relation to Complaints will include the name and contact details of a council staff member to whom the Complainant may escalate their complaint if they are not satisfied with the outcome the Contractor has provided.

## 7. RECORDING THE COMPLAINT

- 7.1. Once a Complaint has been received, or in the case of an anonymous Complaint accepted, it will be recorded in Council's Records Management System.
- 7.2. Depending on the tier of the Complaint, it will be referred to the relevant Council officer in accordance with clauses 3, 4 and 5, who will need to ensure:
- 7.2.1. All documentation is recorded using the correct naming conventions;
  - 7.2.2. Appropriate classifications are attributed to the documentation to protect the integrity of the process and maintain confidentiality;
  - 7.2.3. Receipt of the Complaint is acknowledged within 5 business days using the template letter provided in Appendix A. Consideration will be given to the most appropriate medium (e.g. email, letter etc.) for communicating with the Complainant.

## 8. ADDRESSING COMPLAINTS

- 8.1. After acknowledging receipt of the Complaint, the relevant Council officer will need to:
- 8.1.1. determine whether the issue(s) raised in the Complaint is/are within our control,
  - 8.1.2. consider the outcome(s) sought by the Complainant and,
  - 8.1.3. where there is more than one issue raised, determine whether each issue needs to be separately addressed.
- 8.2. When determining how a Complaint will be managed, the relevant Council officer will need to consider:
- 8.2.1. How serious, complicated or urgent the Complaint is;
  - 8.2.2. Whether the Complaint raises concerns about people's health and safety, or relates to a risk management concern;
  - 8.2.3. How the person making the Complaint is being affected;
  - 8.2.4. The risks involved if resolution of the Complaint is delayed; and
  - 8.2.5. Whether a resolution requires the involvement of other organisations.
- 8.3. Within 20 working days, the relevant Council officer will advise the Complainant of the outcome using the template letter provided in Appendix B. Consideration will be given to the most appropriate medium (e.g. email, letter etc.) for communicating with the Complainant.

## 9. ACCOUNTABILITY AND LEARNING

### 9.1. Analysis and evaluation of Complaints

- 9.1.1. Quarterly reports will be run on:
- i. the number of Complaints received,
  - ii. the outcome of Complaints, including matters resolved at the frontline,
  - iii. issues arising from Complaints,
  - iv. systemic issues identified, and

v. the number of requests we receive for internal and/or external review of our Complaint handling.

9.1.2. Both reports and their analysis will be provided to Council's Executive Leadership Team for information and any appropriate action.

9.1.3. Biannual reports will be provided to the elected Council on the following statistics:

- i. the number of Complaints received,
- ii. the number of Complaints resolved and time taken to do so,
- iii. the number of Complaints outstanding,
- iv. the categories of Complaints made.

## 9.2. Confidentiality

9.2.1. Council officers must only deal with the Complainant directly unless there is a signed written agreement from the Complainant giving Council authority to deal with their representatives.

9.2.2. Information about the circumstances of Complaints is to be provided only in accordance with clause 9.2.1.

## 10. PROCEDURE DEFINITIONS

<b>Complaint</b>	Expression of dissatisfaction made to or about Council, Council services, Council staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.
<b>Complainant</b>	Person or entity that made a Complaint.
<b>Complaint Management System</b>	All policies, procedures, practices, staff, hardware and software used by us in the management of Complaints.
<b>Policy</b>	Council's Complaint Handling Policy
<b>Serious Nature</b>	Significant because of possible danger or risk to Council; not slight or negligible

## 11. PROCEDURE ADMINISTRATION

<b>Business Group:</b>	Corporate and Community Services
<b>Responsible Officer:</b>	Governance and Council Support Coordinator
<b>Procedure Review Date:</b>	Three years from date of adoption unless legislated otherwise
<b>Associated Policy:</b>	Complaints Handling Policy
<b>File Number / Document Number:</b>	DOC2019/123194
<b>Relevant Legislation:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Local Government Act 1993 (NSW)</a></li> <li>• <a href="#">Public Interest Disclosures Act 1994 (NSW)</a></li> </ul>
<b>Relevant desired outcome of objectives</b>	<p>5.3. Making Council more responsive to the community.</p> <p>5.3.1.a) Build an organisation which has a focus on the customer by having well trained staff who are committed to providing a quality service.</p>
<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>• <a href="#">Complaints Management Framework (June 2015) – NSW Ombudsman</a></li> <li>• <a href="#">Code of Conduct</a> (DOC2018/086716)</li> <li>• <a href="#">Effective Complaint Handling Guidelines (February 2017) – NSW Ombudsman</a></li> <li>• <a href="#">Unreasonable Customer Conduct Policy and Guideline</a> (DOC2018/008730 and DOC2018/027652 respectively)</li> <li>• Customer Service Strategy (DOC2018/053882)</li> <li>• Customer Service Charter (DOC2018/098575)</li> <li>• <a href="#">Internal Reporting – Public Interest Disclosures Policy and Guideline</a> (DOC2018/093182 and DOC2019/036684 respectively)</li> <li>• <a href="#">Investigation of Complaints factsheet – NSW Ombudsman</a></li> </ul>

## 12. PROCEDURE HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	11 December 2019 / Noted by Council CC118/2019	New procedure adopted

## 13. APPENDICES

13.1. Appendix A – TEMPLATE Acknowledgment letter

13.2. Appendix B – TEMPLATE Outcome letter



## APPENDIX A – TEMPLATE Acknowledgment Letter

[date]

[name]

Contact:

[address]

Our Ref:

[address]

Via email: [email]

Dear [name],

### ACKNOWLEDGING RECEIPT OF YOUR COMPLAINT

I confirm Council received your complaint on [date]. I note your complaint is about [describe the complaint].

Council is committed to developing a positive complaint handling culture in that we are responsive and we are committed you receive no detriment for having complained. We have a Complaint Handling Policy that requires staff to treat you with courtesy and respect. Staff are trained in customer service, complaint handling and managing unreasonable behaviour.

We will communicate the outcome of your complaint and the reasons for the outcome through the most appropriate channel providing you with information about internal and external avenues of review where available.

Your complaint has been allocated to [name of relevant officer] for handling. We do our best to deal with your complaint as soon as possible and have set and made public expected timeframes for addressing complaints within our Policy and Procedure which recognise the differing levels of seriousness, urgency and complexity of complaints received. Council is committed to provide you with an outcome letter within 20 working days of receiving your complaint – that is, no later than [date].

If there are unavoidable delays in dealing with your complaint we will inform you and explain the reasons.

We record and analyse information on our complaint handling processes so that we can:

- monitor the quality of our services and systems
- identify recurring issues or trends
- make improvements to systems and services, and
- improve organisational reputation.

If you require any further information, please do not hesitate to contact [name of responsible officer] on [telephone number] or via [email address].

Yours faithfully

[Name]

[Position title]

## APPENDIX B – TEMPLATE Outcome Letter

Date: [date]

[name]

[address]

[address]

Contact:

Our Ref:

Via email: [email]

Dear [name],

### OUTCOME LETTER REGARDING YOUR COMPLAINT/REVIEW OF YOUR COMPLAINT

I refer to your complaint sent to Council on [date] and Council's acknowledgment letter sent on [date].

You complained about [describe complaint] and acknowledge any supporting documentation provided].

Council has looked into the matter and found the following:

- [add factual details of assessment/investigation of complaint, describe the enquiries made within the organisation]
- [What does the above mean for the Complainant(s)?]

[outline options for redress, if any. Express sincere apology for any inconvenience caused, if applicable]

**[delete if not relevant]** While it is recognised that you may remain dissatisfied with this decision, I trust you can understand why Council was unable to accede to your request. I am happy to discuss this matter further if you believe that any significant issues have been overlooked.

If you wish to take this matter further, you have the option to request an internal review to be conducted and/or lodge a complaint with the NSW Ombudsman.

**[delete if not relevant]** You can request an internal review of your complaint in the following ways:

- **By mail** - PO Box 152, CESSNOCK 2325 NSW AUSTRALIA
- **By email:** [publicofficer@cessnock.nsw.gov.au](mailto:publicofficer@cessnock.nsw.gov.au) or [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)
- **In person** – at Administration Building, 62-78 Vincent Street, CESSNOCK NSW AUSTRALIA

**[delete if not relevant]** You can lodge a complaint with the following external agencies:



- [The NSW Ombudsman](#) - Level 24, 580 George Street, Sydney NSW 2000;
- [The Office of Local Government](#) - Locked Bag 3015, NOWRA NSW 2541;
- [NSW ICAC](#) - Level 7, 255 Elizabeth Street, Sydney, NSW 2000, Australia

I would like to take this opportunity to thank you for bringing this matter to Council's attention, as it provided us with an opportunity to [outline the benefit].

Yours faithfully

[Name]

[Position title]