

Cessnock City Council Complaint Handling Policy

Date Adopted 11/12/2019 Revision: 1

Contents

1. POLICY OBJECTIVES	2
2. POLICY SCOPE	2
PART A - GUIDING PRINCIPLES	3
3. FACILITATE COMPLAINTS	3
4. RESPONSIVENESS	4
5. MANAGE THE PARTIES TO A COMPLAINT	5
PART B – MAKING A COMPLAINT	6
6. TIERS OF COMPLAINTS	6
7. STAGE 1 - RECEIPT OF COMPLAINTS	6
8. STAGE 2 - ACKNOWLEDGEMENT RECEIPT OF COMPLAINTS	6
9. STAGE 3 - ADDRESSING COMPLAINTS	6
10. STAGE 4 – FINALISATION OF COMPLAINTS	7
11. INTERNAL REVIEW OF COMPLAINTS	7
12. ALTERNATIVE (EXTERNAL) AVENUES FOR DEALING WITH COMPLAINTS	7
13. ACCOUNTABILITY AND LEARNING	8
14. ROLES AND RESPONSIBILITIES	8
15. POLICY DEFINITIONS	10
16. POLICY ADMINISTRATION	11
17. POLICY HISTORY	12
18. POLICY AUTHORISATIONS	12
19. APPENDICES	12
APPENDIX A – COMPLAINT HANDLING FLOWCHART TIER 1	13
APPENDIX B – COMPLAINT HANDLING FLOWCHART TIER 2	14
APPENDIX C – COMPLAINT HANDLING FLOWCHART TIER 3	15

1. POLICY OBJECTIVES

1.1. The objectives of this policy are to:

- 1.1.1. ensure that Council handles Complaints fairly, efficiently and effectively,
- 1.1.2. promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to Complaints received,
- 1.1.3. inform Council's customers and the community of Council's Complaint handling process, and
- 1.1.4. recognise the importance of Complaints in providing Feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training needs.

1.2. Council's Complaint Management System is intended to:

- 1.2.1. enable Council to respond to issues raised by people making Complaints in a timely and cost-effective way,
- 1.2.2. boost public confidence in Council's administrative process, and
- 1.2.3. provide information that can be used by Council to deliver quality improvements in Council's services, staff and Complaint handling.

1.3. This policy provides guidance to staff and people who wish to make a Complaint on the key principles and concepts of Council's Complaint Management System.

2. POLICY SCOPE

2.1. This policy applies to all staff, including Contractors, receiving or managing Complaints from the public made to or about Council, regarding Council's services, staff and Complaint handling.

2.2. Staff Grievances, Code of Conduct Complaints and Public Interest Disclosures are dealt with through separate mechanisms.

2.3. This policy covers all Complaints made to Council regarding its operations and personnel, such as:

- 2.3.1. Failure to achieve specified standards of service;
- 2.3.2. Delay in responding;
- 2.3.3. Behaviour or attitude of employees;
- 2.3.4. A Council decision or policy and/ or;
- 2.3.5. Withdrawal or reduction of service.

2.4. The following **are NOT Complaints** (these may be Service Requests):

- 2.4.1. requests for services (unless there was no response to a previous request),
- 2.4.2. a follow up or further request for service that has not been completed by Council but is still within the timeframes advised to the Complainant,

- 2.4.3. enquiries or requests for clarification,
- 2.4.4. reports of hazards, faulty or damaged infrastructure such as potholes or fallen branches of Council trees,
- 2.4.5. comments or submissions received during formal consultation or community engagement,
- 2.4.6. petitions to Council about a certain matter,
- 2.4.7. requests for information/explanation of Council policies, decisions or procedures (unless there was no response to a previous request), and
- 2.4.8. appeals or objections regarding development and other applications.

PART A - GUIDING PRINCIPLES

3. FACILITATE COMPLAINTS

3.1. People Focus

3.1.1. We are committed to seeking and receiving Feedback and Complaints about our services, systems, practices, procedures, products and Complaint handling.

3.1.2. People making Complaints will be:

- provided with information about our Complaint handling process,
- provided with multiple and accessible ways to make Complaints,
- listened to, treated with respect by staff and actively involved in the Complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

3.2. No detriment to Complainants

3.2.1. We will take all reasonable steps to ensure that Complainants are not adversely affected because a Complaint has been made by them or on their behalf.

3.3. Anonymous Complaints

3.3.1. We accept anonymous Complaints and will carry out an investigation of the issues raised where there is sufficient information provided to substantiate the complaint.

3.4. Accessibility

3.4.1. We will ensure that information about how and where Complaints may be made to or about us is well publicised.

3.4.2. We will ensure that our systems to manage Complaints are easily understood and accessible to everyone, particularly people who may require assistance.

3.4.3. If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their Complaint, we will communicate with them through their representative at their request.

3.4.4. Anyone may represent a person wishing to make a Complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, Councillor or another organisation).

4. RESPONSIVENESS

4.1. We will promptly acknowledge receipt of Complaints, within 5 working days.

4.2. We will assess and prioritise Complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

4.3. We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

4.3.1. the Complaints process,

4.3.2. the expected time frames for our actions,

4.3.3. the progress of the Complaint and reasons for any delay,

4.3.4. their likely involvement in the process, and

4.3.5. the possible or likely outcome of their Complaint.

4.4. We will advise people as soon as possible when we are unable to deal with any part of their Complaint and provide advice about where such issues and/or Complaints may be directed (if known and appropriate).

4.5. We are committed to providing a response/outcome to a Complaint within 20 working days of having received the Complaint. Where the nature of the Complaint involves significant investigation or resources, we will communicate with the Complainant and provide them with an amended timeframe for outcome.

4.6. Objectivity and fairness

4.6.1. We will address each Complaint with integrity and in an equitable, objective and unbiased manner.

4.6.2. We will ensure that the person handling a Complaint is different from any staff member whose conduct or service is being complained about.

4.6.3. Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a Complaint was managed will be conducted by a person other than the original decision maker.

4.7. Responding flexibly

4.7.1. Our staff are empowered to resolve Complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making Complaints and/or their representatives.

4.7.2. We will assess each Complaint on its merits and involve people making Complaints and/or their representative in the process as much as possible.

5. MANAGE THE PARTIES TO A COMPLAINT

5.1. Complaints involving multiple agencies

5.1.1. Where a Complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a Complaint and/or their representative is clear and coordinated.

5.1.2. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the Complaint.

5.1.3. Where a Complaint involves multiple areas within our organisation, responsibility for communicating with the person making the Complaint and/or their representative will also be coordinated.

5.1.4. Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive Complaint Management System. We take Complaints not only about the actions of our staff but also the actions of service providers.

5.2. Complaints involving multiple parties

5.2.1. When similar Complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

5.3. Managing unreasonable conduct by people making Complaints

5.3.1. We are committed to being accessible and responsive to all people who approach us with Feedback or Complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible,
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the Complaints we receive.

5.3.2. When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

5.3.3. For further information on managing unreasonable conduct by people making Complaints please see our Unreasonable Customer Conduct Policy.

PART B – MAKING A COMPLAINT

6. TIERS OF COMPLAINTS

6.1. We use a three-tier complaint-handling model as an approach to address Complaints:

6.1.1. **Tier 1 Complaints** – Complaints that have been made for the first time and that can be addressed by our frontline staff.

6.1.2. **Tier 2 Complaints** – written requests for internal review by Complainants because they are not satisfied with the outcome of their Tier 1 Complaint.

6.1.3. **Tier 3 Complaints** – written requests for consideration of, or addressing, complaints made to external bodies such as NSW Ombudsman, Office of Local Government (OLG) or NSW Independent Commission Against Corruption (ICAC).

7. STAGE 1 - RECEIPT OF COMPLAINTS

7.1. Complaints and requests for review of Complaints can be made in the following ways:

7.1.1. **By mail** – PO Box 152 or 62-78 Vincent Street, CESSNOCK 2325 NSW AUSTRALIA.

7.1.2. **By email:**

- publicofficer@cessnock.nsw.gov.au or
- council@cessnock.nsw.gov.au

7.1.3. **In person** – at Administration Building, 62-78 Vincent Street, CESSNOCK NSW AUSTRALIA.

7.1.4. **Via our website** – by filling out the relevant online form.

7.2. Complaints should be addressed to the Public Officer.

7.3. Complaints forwarded by Councillors on behalf of constituents will be accepted as a Complaint, however Council will directly liaise with the constituents without involving the Councillors in responding to the complaint.

7.4. Council will acknowledge and treat Complaints as such only if they are lodged in a manner described in clauses 7.1 and 7.3. Complaints received via any other means will not be accepted.

8. STAGE 2 - ACKNOWLEDGEMENT RECEIPT OF COMPLAINTS

8.1. We will acknowledge Tier 1, 2 and 3 Complaints promptly and within 5 working days.

8.2. In the acknowledgment letter, we will advise the Complainant of the process and when we expect to provide the outcome/response. We will also advise the Complainant in a timely manner if any extension of time is required.

9. STAGE 3 - ADDRESSING COMPLAINTS

9.1. After assessing the Complaint, we will consider how to manage it. To manage a Complaint we may:

9.1.1. give the Complainant information or an explanation,

9.1.2. gather information from the service, person or area that the Complaint is about,
or

9.1.3. investigate the claims made in the Complaint.

10. STAGE 4 – FINALISATION OF COMPLAINTS

10.1. Following consideration of the Complaint and investigation, if any, into the issues raised, we will contact the Complainant and advise them:

10.1.1. the outcome of the Complaint and any action we took,

10.1.2. the reason/s for our decision,

10.1.3. the remedy or resolution/s that we have proposed or put in place, and

10.1.4. any options for review that may be available to the Complainant, such as an internal review, external review or appeal.

10.2. If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations before sharing our findings with the Complainant.

10.3. In relation to Tier 1 and 2 Complaints, we will provide an outcome response to Complainants within 20 working days. In relation to Tier 3 Complaints, we will work with the external agency to provide an outcome letter as agreed.

11. INTERNAL REVIEW OF COMPLAINTS

11.1. If you are not satisfied with the outcome communicated to you in response to your Complaint, you can ask for it to be reviewed internally by making such a request in writing, in accordance with clause 7.1.

11.2. The purpose of an internal review is not to determine a different response, but to check that all involved in determining the original decision have taken all the required steps when assessing and addressing the Complaint.

12. ALTERNATIVE (EXTERNAL) AVENUES FOR DEALING WITH COMPLAINTS

12.1. We will do our best to effectively handle all Complaints made to or about us however there are options for review both internally and externally to Council. The external bodies you can contact in regard to your Complaint are:

12.1.1. **The OLG** - 5 O'Keeffe Avenue, NOWRA NSW 2541, tel: 02 4428 4100,
email: olg@olg.nsw.gov.au;

12.1.2. **The NSW Ombudsman** - Level 24, 580 George Street, SYDNEY NSW 2000, tel: 02 9286 1000, email: nswombo@ombo.nsw.gov.au; and

12.1.3. **ICAC** - Level 7, 255 Elizabeth Street, SYDNEY, NSW 2000, Australia, tel: 02 8281 5999.

13. ACCOUNTABILITY AND LEARNING

13.1. Analysis and evaluation of Complaints

13.1.1. We will ensure that Complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

13.1.2. Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

13.2. Confidentiality

13.2.1. All personal information collected by Council in connection with a Complaint will be handled in accordance with all applicable privacy laws and will only be used for the purpose of investigating the Complaint.

13.3. Continuous improvement

13.3.1. We are committed to improving the effectiveness and efficiency of our Complaint Management System. To this end, we will:

- i. support the making and appropriate resolution of Complaints,
- ii. implement best practices in Complaint handling,
- iii. recognise and reward exemplary Complaint handling by staff,
- iv. regularly review the Complaints Management System and Complaint data, and
- v. implement appropriate system changes arising out of our analysis of Complaints data and continual monitoring of the system.

14. ROLES AND RESPONSIBILITIES

14.1. Customer Service

14.1.1. Provide assistance with the lodgement of Complaints and requests for review of Complaints where necessary.

14.2. Records Management Team

14.2.1. Receive and allocate written Complaints (whether electronically submitted or otherwise) in accordance with this policy and the Procedure.

14.3. Front line staff

14.3.1. Acknowledge receipt of Tier 1 Complaints in accordance with clause 8.

14.3.2. Where possible, resolve Tier 1 Complaints received at the point of contact, within the scope of their role.

14.3.3. Seek assistance of their supervisor to investigate and enable the Tier 1 Complaint to be resolved at this point of contact.

14.4. Coordinators/Principals, Managers and Directors

14.4.1. Receive, allocate and where possible resolve Tier 1 Complaints in accordance with this policy and the Procedure.

14.4.2. Provide outcome or update correspondence to Complainants within 20 working days of receiving a Tier 1 Complaint.

14.4.3. Provide training and support to staff they oversee so that they can understand the Complaint handling process and are empowered to manage Tier 1 Complaints within the scope of their role.

14.4.4. Where a Tier 1 Complainant requests for an internal review of the decision made, refer the request to the Public Officer.

14.4.5. Managers will ensure that all Contractors are made aware of their obligations under this policy.

14.4.6. The officer handling the Complaint to update Council's Complaints Register on a regular basis to reflect the accuracy of the handling process.

14.5. Public Officer or their delegate

14.5.1. Receive and allocate of Tier 1 Complaints where appropriate.

14.5.2. Handle requests for review of Tier 1 Complaints in accordance with this policy and the Procedure.

14.5.3. Handle Tier 3 Complaints in accordance with this policy and the Procedure, or as agreed with the external agency.

14.5.4. Maintain and review the Complaints Register and report to Executive Leadership Team on a quarterly basis.

14.6. General Manager

14.6.1. Ensure that an effective Complaint Management System is in place.

14.6.2. Encourage an environment where Complaints are handled diligently and comprehensively.

14.6.3. Ensure appropriate resources are available to effectively manage Complaints.

14.6.4. Handle any escalated Complaints that cannot be resolved at the Director level.

15. POLICY DEFINITIONS

Complaint	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.
Complainant	Person or entity that made a Complaint.
Complaint Management System	All policies, procedures, practices, staff, hardware and software used by us in the management of Complaints.
Contractors	Third parties contracted to perform work on behalf of Council.
Feedback	Opinions, comments and expressions of interest or concern, made directly, explicitly or implicitly, to or about us, about our services or Complaint handling where a response is not explicitly or implicitly expected or legally required. Feedback may be used by Council to influence future service reviews and delivery methods.
Front line staff	Council staff and their teams who have authority in their role to manage simple Complaints. This is typically staff who have direct contact with customers or Complainants.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Policy	A statement of instruction that sets out how we should fulfil our vision, mission and goals.
Procedure	The Complaint Handling Procedure.
Public Officer	Director of Community and Corporate Services.
Public Interest Disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 1994</i> (NSW).
Service Request	<p>A Service Request includes:</p> <ul style="list-style-type: none"> • requests for approval • requests for action • routine inquiries about Council's business • requests for the provision of services, works and assistance • reports of failure to comply with laws regulated by the organisation • requests for explanation of policies, procedures and decisions • reports of damaged or faulty infrastructure (e.g. road pothole etc.); • reports of hazards (e.g. fallen tree branch);

	<ul style="list-style-type: none"> • reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works); • the lodgement of an appeal or objection in accordance with a standard procedure or policy e.g. <i>objection to a development application, comments on a Policy on Exhibition.</i>
Unreasonable Customers	Customers that have been declared unreasonable or have restrictions placed on their contact with Council in accordance with Council's Unreasonable Customer Conduct Policy.

16. POLICY ADMINISTRATION

Business Group:	Corporate and Community Services
Responsible Officer:	Public Officer
Policy Review Date:	Three years from date of adoption unless legislated otherwise
File Number / Document Number:	DOC2018/048382
Relevant Legislation:	<ul style="list-style-type: none"> • Local Government Act 1993 (NSW) • Public Interest Disclosures Act 1994 (NSW) • Privacy and Personal Information Protection Act 1998 (NSW)
Relevant desired outcome of objectives	<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>
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • Complaints Management Framework (June 2015) – NSW Ombudsman • Code of Conduct (DOC2018/086716) • Effective Complaint Handling Guidelines (February 2017) – NSW Ombudsman • Unreasonable Customer Conduct Policy and Guideline (DOC2018/008730 and DOC2018/027652 respectively) • Customer Service Strategy (DOC2018/053882) • Customer Service Charter (DOC2018/098575) • Internal Reporting – Public Interest Disclosures Policy and Guideline (DOC2018/093182 and DOC2019/036684 respectively) • Workplace Grievance Notification Form (DOC2013/046519)

17. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	11 December 2019 / CC118/2019	New policy adopted

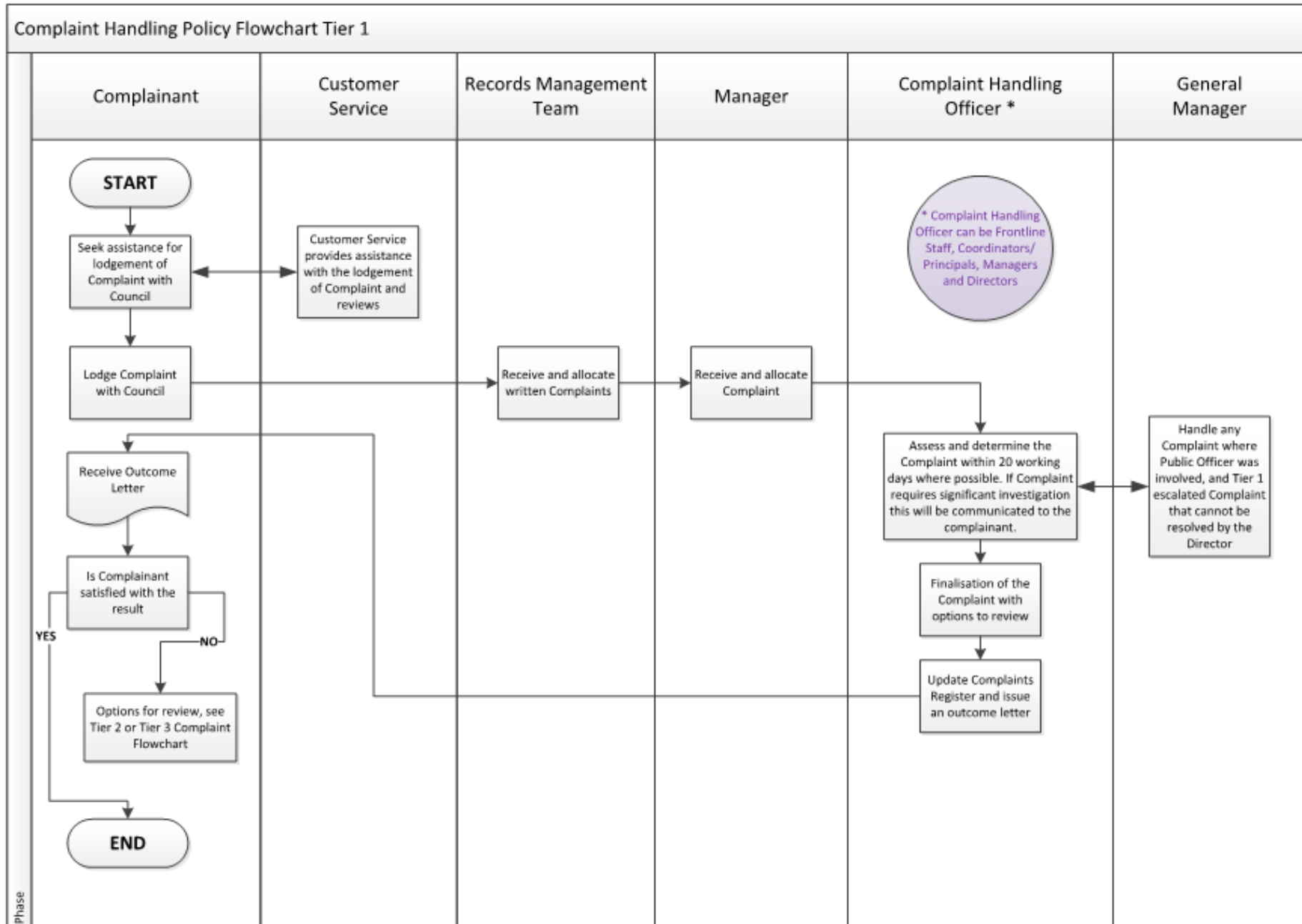
18. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Handle, manage or instruct others, and refuse to handle any Complaint in accordance with this policy and the Procedure.	General Manager
2	Handle, manage or instruct/delegate to others to handle Complaints in accordance with this policy and the Procedure.	Public Officer

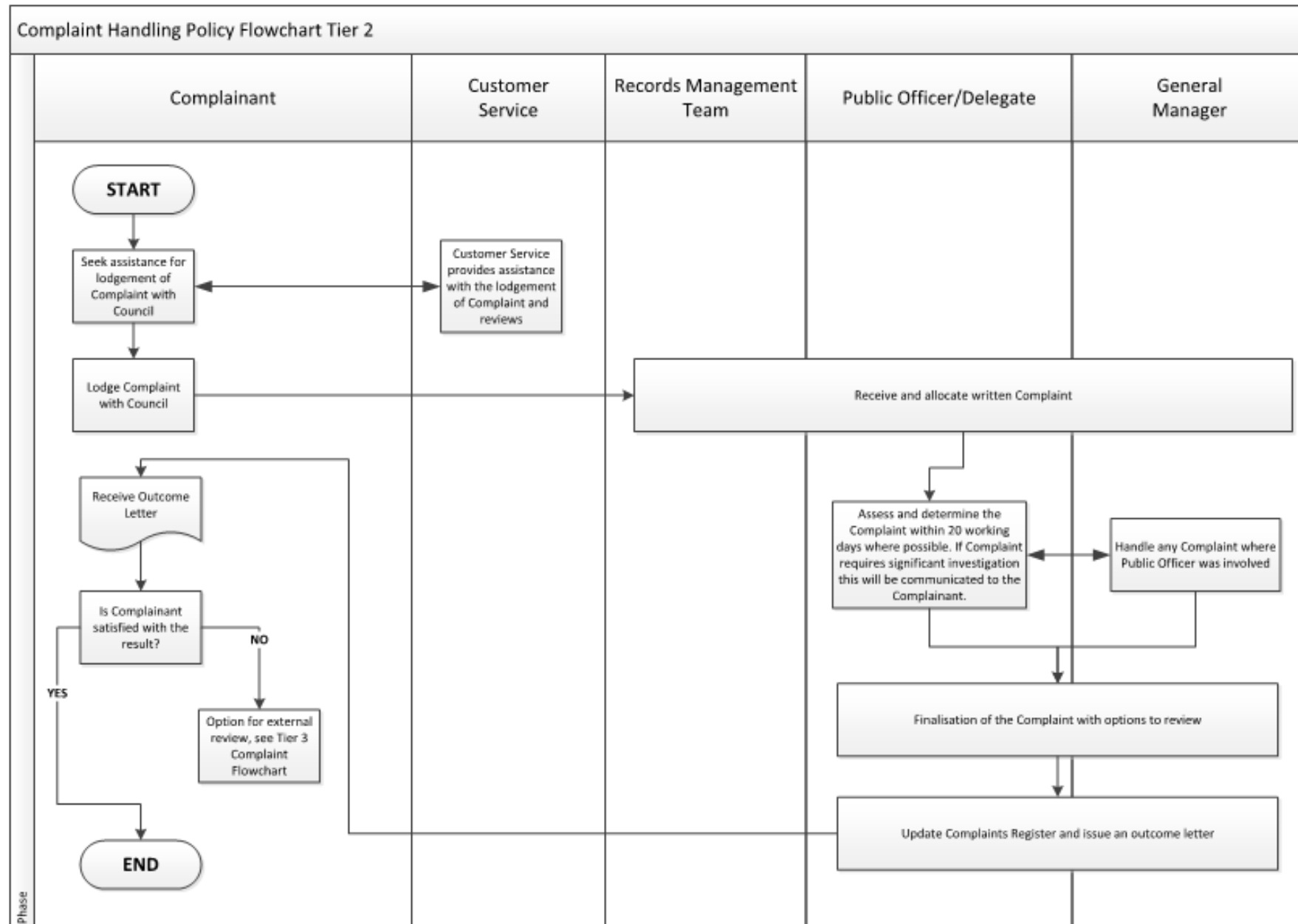
19. APPENDICES

- Appendix A – Complaint Handling Flowchart Tier 1
- Appendix B – Complaint Handling Flowchart Tier 2
- Appendix C – Complaint Handling Flowchart Tier 3

APPENDIX A – COMPLAINT HANDLING FLOWCHART TIER 1



APPENDIX B – COMPLAINT HANDLING FLOWCHART TIER 2



APPENDIX C – COMPLAINT HANDLING FLOWCHART TIER 3

