



Title: Complaints Management

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Related legislation: Children and Young Persons (Care and Protection) Act 1998
Independent Commission Against Corruption Act 1998
Local Government Act 1993
Privacy and Personal Information Protection Act 1998
Protected Disclosures Act 1994
Trade Practices Act 1974 (Commonwealth)

Related policies: Child Protection Policy
Code of Conduct
Grievance Handling Policy

Related procedures: Privacy Management Plan
Trade Practices Act Compliance Program
NSW Ombudsman Complaint Handler's Took Kit

Related forms: Complaint Registration Form

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1. Purpose

The purpose of this policy is to describe the way in which complaints will be handled to improve the performance of and increase the level of public confidence in Council.

Rationale

Why have a policy?

Canterbury City Council aims to provide the best possible service to its customers. Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing community satisfaction.

Complaints generally occur when the expectations of the customer have not been met. This policy has been formulated to ensure all complaints and requests are dealt with in a timely and effective manner, and to ensure that information that can assist the organisation to improve is captured in a form that enables easy and useful analysis.

Effective complaints management benefits the organisation in some important ways:

- it allows the customer to provide input into service delivery and improvement
- we obtain valuable feedback on our performance
- it allows us to identify areas, processes or skills that need improvement
- it gives us a second chance to serve and satisfy, or clarify issues for dissatisfied customers.

2. Objectives

The objectives of this policy are to:

- recognise the customer's right to complain about their dealings with Council;
- make sure that a complaints handling process is in place and functioning;
- ensure complaints are dealt with professionally and within specified timeframes;
- ensure that the complaints handling process is well-documented and well-publicised;
- make certain that customers are kept informed and complaints are resolved quickly;
- ensure that complaints are reviewed to improve our standard of customer service.

3. Scope

This policy applies to Councillors and staff at Canterbury City Council who deal with customers, members of the public, other agencies, service providers, community organisations or other members of staff.

The policy applies to complaints received in all areas of the organisation.

4. Definitions

Competitive neutrality	The principle that Council businesses should not operate with any unfair competitive advantage.
Complaint	An expression of dissatisfaction with Council's level and quality of service, employees, or policies and procedures affecting an individual customer or group of customers.
Compliment	A statement of satisfaction about services provided by Council.
Council	The Council of the City of Canterbury.
Grievance	An expression of dissatisfaction by an employee of Council about the way in which they have been treated by another member of staff (including a supervisor).
Protected disclosure	An allegation of corrupt conduct, maladministration, and serious and substantial waste that may be subject to the Protected Disclosures Act.
Reportable allegation	Inappropriate behaviour that is detrimental to a child or young person. The victim of the inappropriate behaviour must be aged less than 18 years at the time of the incident. Only a reportable allegation in relation to a member of staff constitutes a complaint under this policy.
Reportable conduct	Assault, ill treatment or neglect, or exposing or subjecting a minor to behaviour that psychologically harms the child. Only reportable conduct in relation to a member of staff constitutes a complaint under this policy.
Request	A request for the provision of services (including the provision of information), a report about damaged or faulty infrastructure, or a report requiring action by Council's Compliance section eg. noise, pollution, dogs, food premises etc. A report of a child at risk, a reportable allegation or of reportable conduct under child protection legislation that is not related to the services that Council provides constitutes a request by virtue of the obligations on Council staff as mandatory reporters.

5. Principles

5.1 Standards for handling complaints

We recognise the value of complaints as an important tool in monitoring and responding to customer and community expectations, and will deal with them in the following way:

5.1.1 Our commitment to resolving complaints

- We will take complaints seriously and investigate them thoroughly to achieve a mutual resolution within an agreed timeframe;
- We will provide adequate training, resources and authority to deal with complaints.

5.1.2 Our commitment to customer service

- The person dealing with the complaint will provide their name, contact details and a complaint reference number for any future follow up;
- We will be fair, courteous, respectful and professional in our response;
- We will provide accurate information and advice about a customer's obligations and entitlements;
- We will respect the privacy and confidentiality of information received as much as we can. We cannot, however, guarantee confidentiality because we may have statutory obligations or other information disclosure requirements.

5.1.3 What we ask of our customers

A customer normally needs to provide:

- Full details of their name, address and telephone number before a complaint can be registered, except for those anonymous complaints outlined in 5.3.4 below;
- Sufficient details for action on the complaint to be undertaken.

5.2 Defining complaints

5.2.1 What is a complaint?

A complaint is any expression of dissatisfaction with Council's:

- **Policies and procedures** – usually related to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure.
- **Employees** – usually related to dissatisfaction with the behaviour of a Council employee.
- **Quality of service** – generally related to the quality of the finished job (eg. not up to an expected standard, poor workmanship) or the length of time taken to complete the job or provide the service (eg. non-compliance with our service standards).

The complaints outlined above fall into the category of general complaints, which are dealt with and resolved inside the organisation. There are other types of complaints, described in section 5.3 Types of Complaints, which have external reporting requirements, or may need to be dealt with by an agency other than Council.

Complaints can be made:

- by letter, fax or email;
- verbally, either in person or over the telephone;
- by councillor requests.

5.2.2 What is not a complaint?

A complaint is not:

- a request for services;
- a request for information or explanation of policies, procedures or decisions of council
- a request for information regarding Council assets or services;
- an expression concerning the general direction or the performance of Council or its elected representatives;
- reports of hazards (eg. fallen trees), damaged or faulty infrastructure (eg. potholes);
- reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of our services;

Many of the issues above are called 'complaints' when a customer contacts us. They are called 'complaints' because a customer is unhappy about the situation and wants something done. To us, however, the 'complaint' is a **request** for action. The actions we take to resolve many 'complaints' are an everyday part of organisational life for us due to the nature of services we provide.

This terminology does not reduce the importance of the issue, nor does it change the actions we will take. It does, however, help us differentiate between a **complaint** and a **request** so that we can register the issue appropriately on our customer tracking system.

In general, most 'true' complaints, as defined above, are about staff behaviour, quality of service, council policy, or the outcome of a decision.

5.3 Types of complaints

5.3.1 General complaints

General complaints cover a wide range of issues that can resolved inside the organisation. They will be dealt with in accordance with this policy and the complaints management system. Each area of council may develop their own specific procedures for dealing with general complaints in relation to the services that they provide. All such procedures must, however, be consistent with this policy. An example of this is Children's Services' specific procedure for dealing with Parent Grievances.

We will do all we can to resolve a complaint, but there may be times where a decision or outcome cannot be changed, or where a complaint is not justified. Customers who have made a general complaint and are dissatisfied with the outcome can take the matter further by contacting the Department of Local Government, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, or the Anti-Discrimination Board. We will provide these customers with information about their rights to refer their complaint to another agency, and continue to deal with them in a courteous, respectful and professional manner.

5.3.2 Complaints with statutory reporting requirements

There are a range of issues that may need to be dealt with and resolved inside the organisation and may also have external reporting requirements. These include:

- **Protected disclosures**

The Protected Disclosures Act 1994 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste. Council's Protected Disclosures Procedure outlines how Protected Disclosures are to be dealt with and is contained in the Code of Conduct, which is available on both the Intranet and Internet websites. The Code of Conduct includes detailed definitions of what constitutes corrupt conduct, maladministration, and serious and substantial waste.

Complaints that may be Protected Disclosures are to be referred to the Protected Disclosure Coordinator who will also notify the General Manager that a protected disclosure has been made.

- **Complaints concerning councillors**

Complaints concerning councillors, including allegations of a breach of the Code of Conduct such as a pecuniary conflict of interest, are to be referred to the General Manager. The Code of Conduct outlines how such complaints are to be dealt with.

- **Allegations under the Child Protection legislation**

Complaints relating to Child Protection are to be dealt with in accordance with Council's Child Protection Policy. Complaints with mandatory reporting requirements are reportable allegations and reportable conduct in relation to a member of staff. In accordance with the Child Protection in the Workplace procedure, the allegation or conduct must immediately be reported to the Director, Child Protection Officer and General Manager, who must notify the Ombudsman within at least 30 days.

A report of a child at risk, of a reportable allegation, or of reportable conduct to Council, that is not related to a Council policy, service or member of staff, constitutes a **request**.

- **Competitive neutrality complaints**

An actual or potential competitor of a council business may make a complaint if it believes that it is being adversely affected through a failure to adopt competitive neutrality – that is, Council is operating with an unfair competitive advantage.

Competitive neutrality complaints are to be referred to the Director Corporate Services. The Local Government Act 1993 requires that Competitive Neutrality Complaints be reported in Council's Annual Report.

- **Allegations of breaches of the Trade Practices Act**

Complaints relating to breaches of the Trade Practices Act 1974 (Commonwealth) are to be referred to the Risk and Insurance Coordinator. The Trade Practices Act Compliance Program defines breaches of the Trade Practices Act and the manner in which such complaints are to be dealt with.

- **Privacy complaints**

Complaints relating to privacy and breaches of the Privacy and Personal Information Protection Act 1998 are to be referred to the Privacy Contact Officer who will notify Privacy NSW, the relevant Director and the General Manager. The Privacy Management Plan outlines how these complaints should be dealt with.

5.3.3 Grievance complaints

Grievance complaints are to be referred to the Manager – Human Resources, and will be dealt with in accordance with the Grievance Policy.

5.3.4 Anonymous complaints

While anonymous complaints will be recorded, we will generally only act on them where the matter is relatively serious and there is sufficient information in the complaint to enable an investigation to be undertaken. Anonymous complaints are always to be referred to the relevant Director for a decision as to the nature of any further action to be taken.

Generally only anonymous complaints involving conduct in breach of the Code of Conduct by staff or Councillors, or child protection concerns will be investigated under this policy.

6. Responsibilities

6.1 All staff

All staff receiving a complaint are to assist the complainant as much and as quickly as they can, resolve the complaint if possible, or refer the complainant directly to the person most appropriate to deal with it.

What we say and do can make a great difference to whether a complaint is resolved satisfactorily. There are some general principles that are required in dealing with customers and particularly when dealing with complaints.

6.1.1 Spirit of cooperation

Complaints can be a useful source of information. They are a normal part of life. We want complaints to be easy to make. We need to be helpful and cooperative rather than defensive when complaints are made. Effectively dealing with complaints can help diffuse customer anger and prevent frustration and escalation of an issue.

People who deal with complaints effectively are:

- Non-judgmental;
- Sensitive to cultural, literacy and other differences;
- Able to listen and seek to understand;
- Skilled at solving problems.

6.1.2 Effective skills and behaviours

- Listen courteously to the customer. Let them speak. Do not interrupt them unless they are being abusive or raising their voice.
- Ask questions if necessary to clarify or gather more information. Use open questions – questions that require a descriptive answer – rather than closed questions – those where a simple Yes or No can be given. ‘Who’, ‘What’, ‘When’, ‘Where’ and How are a good start. Do not, however, use questions beginning with ‘Why’ as these questions can cause defensiveness.
- Summarise your understanding of the problem back to the customer to check you have understood.
- Do not express opinions, either in words or with your body language
- Offer an apology in appropriate circumstances where an error has been made. Keep it simple and sincere eg. *“I’m sorry this has happened”* or *“I’m sorry you have had this experience.”* (The law was changed in December 2002 so that an apology does not constitute an admission of liability.) Refer to the NSW Ombudsman’s Fact Sheet **Apologies by Councils** for more information.
- Provide information about what actions you will take. If there are options available give the customer a choice. If investigation is required provide the name of the person you will refer the complaint to. Say what you CAN do, not what you CAN’T do.
- Take action. Do what you have said you will do. Register the complaint. Contact whomever you need to, to help resolve the complaint.
- Follow up. Check on the progress of the complaint and keep the customer informed.

6.1.3 Respond promptly

People often expect their complaints to be dealt with immediately and are generally not aware of the complexity of resolving some issues. However, the longer it takes for them to receive a response, the more likely it is that they will be more dissatisfied and more difficult to deal with.

Respond promptly to all complaints. If complaints are made in writing, either telephone or respond by letter promptly. Before calling or writing, determine the action to be taken to resolve the complaint and record the complaint in Pathway.

In your phone call or letter let the person know:

- That you have received the complaint;
- Your understanding of the problem;
- Action that will be taken to resolve the matter;
- Your name and phone number as contact;
- The name of the person handling the matter and a reference number;
- Thank the customer for providing feedback to you.

Then:

- Take the agreed action;
- Send a result letter to let the customer know what action was taken and when the issue was resolved.

6.2 Specific responsibilities

6.2.1 Manager – Customer Services

The Manager – Customer Services is responsible for:

- Ensuring that all staff are made aware of the method of reviewing complaints and advising responsible staff that the complaint is outstanding;
- Ensuring the complaints handling process is operating efficiently;
- Preparing quarterly management reports on the number and type of complaints received, and the compliance with the service standards for each Division;
- Analysing complaints handling information, identifying and implementing improvements, to the complaints handling process

6.2.2 Managers

Managers are responsible for accepting and responding to any complaints that are referred to them in an appropriate and timely manner.

6.2.3 Directors

Directors are responsible for:

- Accepting and responding to any complaints that are referred to them in an appropriate and timely manner;
- Encouraging excellence in customer service and rewarding customer service initiatives;

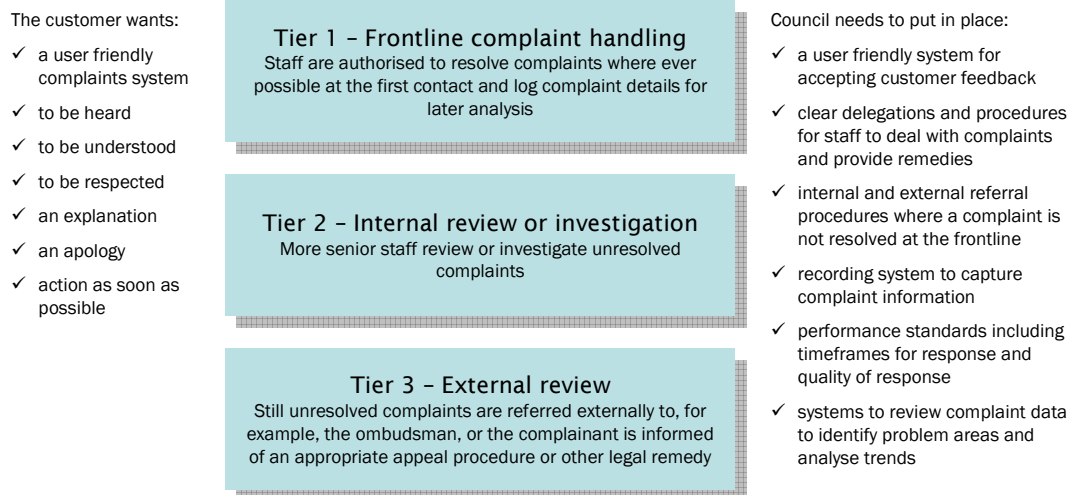
- Ensuring that complaints referred to them are dealt with in an appropriate and timely manner;
- Ensuring that outstanding complaints are finalised within the service standards;
- Ensuring that managers and staff in their Divisions are aware of their responsibilities under the complaint management policy;
- Analysing complaints dealt with by their Division and providing useful information from complaints back to relevant people in each section;
- Identifying and either recommending or implementing improvements or changes that may be needed to improve effectiveness and customer service.

7. Procedures

7.1 Complaint handling process

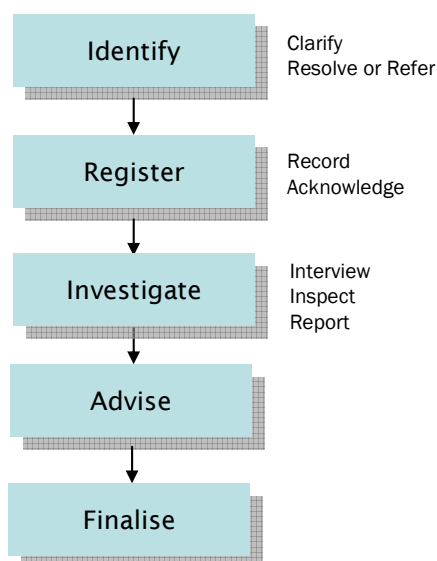
A basic approach to complaint handling is outlined in the diagram below.

A basic approach to complaint handling



Adapted from NSW Ombudsman's Complaint Handler's Tool Kit 2004 p3

Our complaint handling process, developed considering the above approach, consists of the following steps:



7.1.1 Identify

The member of staff receiving the complaint needs to **identify** and **clarify** all the issues, including the outcomes expected by the complainant. Understanding the complaint can require active listening, effective questions and lots of patience.

Basic information that must be obtained for a complaint to be dealt with appropriately includes:

- Nature of the problem;
- Location, time, date of the event;
- What the complainant would like to be done about the situation;
- Name, address and contact phone number for the complainant (so that information regarding the resolution of the complaint can be provided to them).

Complaints received in person or by telephone

The **Complaint Registration Form** can be used to record the details of the complaint.

Having gained as much information as possible about the nature of the complaint, decisions can be made as to whether it is a complaint or a request, what type of complaint it is, and whether it can be resolved immediately, or should be referred to another more appropriate member of staff.

Wherever possible, complaints **resolve** complaints at the first point of contact, or as close to the source of the complaint as can be achieved.

Where the complaint cannot be resolved by the staff member receiving the complaint, but could be resolved quickly, **refer** the complainant to the Manager of the appropriate area immediately.

Complaints received by email or letter

Complaints received by email or letter, and subsequent correspondence are to be registered in DataWorks, placed on a file and referred to the relevant Director with a copy forwarded to the General Manager for information. The Director will then either deal with the complaint personally or refer it to an appropriate member of staff for resolution. If further information is required to clarify the complaint, the complainant should be contacted as quickly as possible – by phone if appropriate.

Complaints that are difficult to refer

There is sometimes ambiguity about the area most appropriate to deal with a particular complaint. In these circumstances, in the interests of providing the best possible service to complainants, the area to which the complaint is first referred is to take responsibility for responding to the complainant in accordance with the complaint handling service standards, and involving any other area in resolving the complaint as required. A commitment to timely and personal communication will assist cooperation in this instance. All other areas involved in resolving the complaint must ensure their responses are provided in a timely way.

If a complaint deals with a number of different issues that require a response from several different functional areas, then the officer first receiving the complaint will be responsible for responding to the complainant in accordance with the complaint handling service standards, and referring the relevant parts of the complaint to the other functional areas as required. These other functional areas must ensure their responses are provided in a timely way.

Complaints with statutory reporting requirements

Complaints with statutory reporting requirements should be referred to the appropriate officer as indicated in Table 1.

Complaints about staff behaviour

Complaints about staff behaviour, made in any way, are **only** to be referred to the relevant Director. If the complaint about a staff member is made by phone or in person, the Director should use the Complaints Registration Form to record the details.

Grievances

Grievances are **only** to be referred to the relevant Director and the Manager – Human Resources.

7.1.2 Register

The officer receiving the complaint must **record** the complaint in Data Works. Basic information that must be recorded includes:

- Name, address and contact phone number for the complainant;
- Date and time, and form (letter, phone, in person) in which the complaint was received;
- Complaint reference number;
- Type of complaint;
- Officer responsible for resolving the complaint.

Note that a request for service is not a complaint, and should not be registered as such.

If not required to be kept confidential, details of the complaint can also be recorded in Pathway. Where required to be kept confidential (eg. complaints about a staff member) all documentation related to a complaint (ie. letter, email, registration form, investigation report and subsequent correspondence) is to be kept on a confidential Director's file registered in DataWorks. Details of the nature of the complaint are not to be recorded in Pathway. The DataWorks file number, however, should be recorded in Pathway.

Table 1: Classification used for recording complaints in Pathway

Classification		Refer to
1.	Policies and procedures	Relevant Director (letter/email) or Manager (phone/in person)
2.	Quality of service	Relevant Director (letter/email) or Manager (phone/in person)
3.	Staff conduct	Relevant Director
4.	Councillor conduct	General Manager
5.	Protected disclosures	Protected Disclosures Coordinator
6.	Child protection	Child Protection Officer
7.	Privacy	Privacy Contact Officer
8.	Competitive neutrality	Director Corporate Services
9.	Trade practices	Risk and Insurance Coordinator

If the complaint is taken in person or over the phone, **acknowledge** the complaint on the spot. Let the complainant know what action will be taken. Acknowledging the complaint is the responsibility of the person in the appropriate area to whom the complaint is first referred, or in the case of complaints dealing with multiple issues, the officer who first received the complaint.

If the complaint is received by email or letter, prepare an acknowledgement letter at the same time the complaint is being recorded. Standard letters can be generated from Pathway. Written complaints are to be acknowledged within 48 hours of being registered as received by the Records and Archives team. An acknowledgement letter can also be used to confirm any additional information that might be required

7.1.3 Investigate

Complaints often require further investigation to gather all the information required, confirm the true nature of the issue, and determine an appropriate course of action. The officer responsible for resolving the complaint may undertake the investigation in person or nominate another officer to undertake the investigation. The investigating officer may interview members of staff and inspect facilities or documents. The investigating officer must document the actions taken and the outcomes of the investigation.

If there is any concern by the complainant about a lack of objectivity or independence in the investigation, the matter should be brought to the attention of the Public Officer (Director Corporate Services) in the first instance. The Public Officer may then notify the General Manager if necessary, and either investigate the matter personally, or designate another Senior Officer to investigate.

7.1.4 Advise

If the complaint has not been resolved within 5 days of receipt, the complainant is to be advised about the estimated time for finalisation, the actions that have been taken to date, and the further action that will be undertaken to resolve the complaint. This advice can be provided over the phone, but should be confirmed in writing.

7.1.5 Finalise

In order to finalise the complaint the complainant should be advised in writing of the actions that will be taken in response to the complaint and the results of any investigation. Confirmation should be sought from the complainant that they are satisfied with the actions and the expected outcome.

If the complainant is satisfied the complaint can be recorded as resolved in Data Works. Details of the actions taken in response to the complaint are also to be recorded in Data Works (unless they are confidential).

If a customer is not satisfied with the outcome of a complaint, a request for review may be lodged with the Public Officer for an independent investigation. The original officer responsible for resolving the complaint will be kept informed of any change in the decision.

If the complaint is still unresolved, the customer will be advised of the opportunity for independent external review.

The service standard for finalisation of complaints ie. the time in which complaints are to be finalised is within 28 days of receipt.

7.2 Service standards

Our aim is to finalise all complaints within 28 working days and to undertake the following steps in the complaint handling process within the specified timeframes. Wherever possible, eg. complaints made in person or over the phone, complaints are to be acknowledged at the time the complaint is made.

1. Acknowledge	Within 48 hours
2. Record in Data Works	Same day
3. Advise	Within 5 days
4. Finalise	Within 28 days ¹

Response times can vary due the nature and complexity of the complaint. Where response times are longer than the standard it is important to keep the complainant informed about progress. This should be done by telephone at least fortnightly.

¹ As soon as possible but in any event within 28 days

7.3 Independent external review

If a matter remains unresolved or the complainant is dissatisfied with the way the complaint has been handled they should be advised of their rights to:

- Approach another agency to seek resolution;
- Alternative dispute resolution;
- Appeal procedures or other legal remedies.

In generally the appropriate agency to contact would be:

- ICAC for concerns related to corruption;
- NSW Ombudsman for issues related to Child Protection, Protected Disclosures or procedural fairness;
- Privacy NSW for complaints relating to privacy; and
- DLG for dissatisfaction with the outcome of a general complaint.

There are overlaps between the services these agencies offer and sometimes it is appropriate to contact more than one.

Recommending referral to another agency is only useful as a last resort where a complainant remains dissatisfied in spite of efforts made to resolve the situation. This can occur when a complainant will not accept the outcome and insists on escalating the matter. It is important to understand that these agencies generally refer the matter back to Council so it will not mean that the problem is 'taken off our hands'.

Recommending referral to an outside agency is only to be used with the approval of the relevant Director.

7.4 Dealing with difficult complainants

A very small proportion of customers can be difficult complainants because of their attributes or behaviour. This group is to be distinguished from complainants who create problems because of the inability of staff to manage customer interactions or because of an error on Council's part.

Generally difficult complainants fall into three categories: habitual or obsessive complainants; complainants who are rude, angry or harassing, and complainants who are aggressive. Various approaches to dealing with these types of difficult complainants are outlined in Chapter 2 of the NSW Ombudsman Complaint Handler's Tool Kit 2004.

In some circumstances it may be appropriate to limit access to or response from Council, or restrict, withhold or withdraw the provision of services to difficult complainants. A decision to do so must only be made by the relevant Director on the basis of a written report by another officer. The following considerations must be taken into account in recommending an appropriate course of action in dealing with a difficult complainant:

- Has the complaints handling procedure been correctly implemented as much as possible to this point and has no material element of the complaint been overlooked or inadequately addressed?
- Has the behaviour of the complainant become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on Council's resources?
- Have internal review or appeal procedures been exhausted?

Dealing with angry and aggressive complainants requires skillful response by members of staff. Those members of staff who deal with customers and members of the public regularly, or who are responsible for handling complaints, are to be provided with appropriate training to handle such difficult situations. Staff involved in complaint handling should also review the information in Chapter 2 of the NSW Ombudsman Complaint Handler's Tool Kit 2004.

Significant incidents of aggression such as threats or assault by members of the public in their interactions with Council are to be reported to the supervisor of the relevant area as soon as is practical after the incident, and recorded in an Incident register.

7.5 Learning from complaints

Every complaint is an opportunity to identify how to improve our standard of customer service, delivery of services, or policies and procedures. Complaints are an important and useful way of obtaining information that there is an issue, and how a response might be able to improve service delivery and customer satisfaction. As a result members of staff responding to complaints must bear this in mind and seek to obtain whatever useful information they can.

In order to improve service the following questions can be reflected upon:

- Could this kind of complaint or problem recur?
- What likelihood is there of recurrence?
- What would prevent recurrence?

Opportunities for improvement may include:

- Design of products and services;
- Equipment and facilities;
- Policies, systems and procedures;
- Attitudes and behaviour;
- Training priorities;
- Customer information needs such as newsletters, brochures, fact sheets, guides, and website content