

COMPLAINT MANAGEMENT

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OBJECTIVES

To ensure that:

- all complaints are dealt with in a timely and effective manner
- the privacy and fair treatment of the complainant is upheld
- the privacy and fair treatment of Councillors, employees of Council, contractors to Council and volunteers with Council, against whom complaints have been made, are upheld
- the community's right to comment is protected and promoted
- information that can assist in improving the Council is captured in a systematic way, allowing corrective actions to be put in place where necessary
- unreasonable complainant conduct is managed appropriately

APPLICABILITY

Councillors, Council staff, Council volunteers and contractors.

GENERAL

Orange City Council endeavours to provide the highest level of customer service in its delivery of services and management of public funds. Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing customer satisfaction.

The substance of a complaint to Council dictates the level of resources dedicated to it, not a complainant's demands or behaviour.

What is a complaint?

A complaint is an expression of dissatisfaction with Council's level and quality of service, its officers, agents, or policies and procedures affecting an individual or a group of customers.

Unreasonable complainants

Unreasonable Complainant Conduct is any behaviour by a current or former complainant which, because of the nature or frequency, raises substantial health, safety, resource or equity issues for the parties to the complaint.

Exceptions

This policy does not apply in circumstances where there is legislation or Council Policy covering the making of a complaint. For example:

- The making of a Public Interest Disclosure under the Public Interest Disclosures Act 1994 (managed through Council's Public Interest Disclosures and Internal Reporting Policy).
- The making of applications for internal review of alleged breaches of privacy under the Privacy and Personal Information Act 1998 (managed through Privacy & Personal Information Plan).
- The making of applications for access to information under the Government Information (Public Access) Act 2009 (GIPA Act) (managed through Council's Access to Information Policy).
- Complaints under Council's Code of Conduct
- Grievances under Council's Grievance Policy

RELATED POLICIES/DOCUMENTS

Government Information (Public Access) Act 2009
 Privacy and Personal Information Protection Act 1998
 Local Government Act 1993
 Public Interest Disclosure Act 1994
 Independent Commission Against Corruption Act 1988
 NSW Ombudsman - Managing Unreasonable Complainant Conduct – Practice Manual
 Complaint Management Procedure
 Code of Conduct
 Customer Service Obligation
 Grievance Policy
 Privacy & Personal Information Plan

Responsible Area – Corporate and Commercial Services

| REVISION | | | | | |
|--|-----------------|------------|---|------|------------|
| | DATE | RESOLUTION | | DATE | RESOLUTION |
| 1 | November 2014 | 15/024 | 5 | | |
| 2 | 6 February 2018 | 18/034 | 6 | | |
| 3 | | | 7 | | |
| 4 | | | 8 | | |
| All policies can be reviewed or revoked by resolution of Council, at any time. | | | | | |

SUMMARY OF AMENDMENTS

| Amendment Date | Section/Reference and Amendment |
|----------------|--|
| December 2017 | Notation that the substance of a complaint will dictate the level of resources dedicated to it, not a complainant's demands or behaviour. Inclusion of Unreasonable Complaints – transferred from ST021 Customer Service Obligation |
| November 2014 | New Policy |

Complaint Management Procedure

This procedure supports Council's Complaint Management Strategic Policy and sets out how Council will manage complaints.

What is not considered a complaint?

Orange City Council will not consider the following as a complaint:

- an initial request for works or services
- a request for information or explanation of policies, procedures and decisions of Council
- a request for information regarding Council's assets or services
- reports concerning neighbours disputes
- an expression of disagreement with Council's policy, procedures or a lawfully made decision

Complaints which will not be investigated

Orange City Council may determine that a complaint will not be investigated where that complaint:

- is considered frivolous, malicious, vexatious or not made in good faith or concerns a trivial matter, as determined by the General Manager (or Mayor if complaint relates to the General Manager).
- where a matter is subject to existing mediation processes
- private neighbourhood disputes
- relates to a decision of Council
- relates to a matter awaiting determination by the Council
- relates to matter already under investigation by the Minister for Local Government, the ICAC, the NSW Ombudsman's office, a Minister of the Crown or Government Department or the NSW Police Force
- relates to a matter before a court or tribunal
- relates to the appointment or dismissal of any employee or an industrial or disciplinary issue
- relates to the actions or conduct of private individuals, not contracted by Council
- involves a matter where the complainant declines or refuses to provide further information deemed necessary for action to be taken
- involves threats made against Council

Should Council decide not to investigate a complaint, the complainant will be advised of the reason for the decision.

Handling of anonymous complaints

Orange City Council encourages complainants to provide full contact information when lodging complaints. In the event of an anonymous complaint, Council will determine whether the complaint will be investigated dependent upon the seriousness of the complaint, and provided there is sufficient information in the complaint to enable an investigation to be conducted.

LODGING A COMPLAINT

When lodging a complaint, please include details such as name, address and contact number, together with a detailed description of the complaint. Council will ensure any contact details are managed in accordance with Council's obligations under the Privacy and Personal Information Protection Act 1998.

Complaints should be made in writing and addressed to the General Manager. They can be lodged with Council:

In Person

By attending Orange City Council's Customer Service desk located on the Ground Floor, Civic Centre, 135 Byng Street Orange, between the hours of 9.00am and 5.00pm Monday to Friday.

Post

PO Box 35
ORANGE NSW 2800

Email

council@orange.nsw.gov.au

Online

Contact Us and Report It forms are available on Council's website, www.orange.nsw.gov.au

RECORDING OF COMPLAINTS

All complaints, regardless of how they are received, shall be recorded in Council's Electronic Records Management System. They will then be forwarded to the relevant Council Officer along with any other supporting information provided by the complainant.

If the complaint is about a member of staff, it should be forwarded to the relevant Director for delegation or investigation and response.

If the complaint is about the General Manager, the complaint should be forwarded to the Mayor for action, investigation and response.

If the complaint is of a very serious nature, the complaint will be referred directly to the General Manager for action.

COMPLAINT HANDLING PROCESS

Level 1 – Frontline Complaints Handling

Complainants are encouraged to provide feedback and lodge their complaint with the Council Officer who provided the service or who dealt with the issue, as this is more likely to result in a speedy resolution to the complaint.

A staff member receiving a complaint of a minor nature should, within the scope of their authority, deal with the complaint at the time or refer it immediately to the appropriate Council Officer who may be able to resolve the complaint.

Staff dealing with complaints will ensure:

- Complaints are dealt with fairly and equitably
- A full investigation is undertaken to establish facts
- An acknowledgement of receipt of the complaint will be provided to the complainant within 14 days of receipt of the complaint (by phone, email or letter).
- A formal written response to the complaint is provided to the complainant within a reasonable timeframe, but in any case within three months of receipt of the complaint. If a further time period is required, the complainant will be advised in writing.

Level 2 – Management Complaints Handling

Where complaints cannot be resolved at the first point of contact, or where they are received in writing, they will be tasked to the appropriate Line Manager to investigate and address. Complaints made at this level must be recorded in Council's Electronic Records Management System.

Level 3 – Escalation/Review

If the complainant remains unsatisfied after speaking to or corresponding with the appropriate Manager who has dealt with the service, they may lodge the complaint with the Public Officer.

Complainants may seek a review of Council's determination/resolution of a complaint by requesting a review via the Public Officer.

Council's Public Officer is Samantha Freeman, Manager Corporate Governance – Phone 6393 8246, email sfreeman@orange.nsw.gov.au.

Level 4 – External Review – Referral

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, the complainant may refer the complaint to an appropriate external agency for review. Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Office of Local Government or the Information & Privacy Commission (contact details attached).

OUTCOMES

Outcomes may include:

- an apology where Council has made a mistake or where a Council Officer's comments or behaviour have offended
- provision of the desired service
- a refund of overcharged or incorrectly charged monies
- provision of more information about Council's policies and/or the decision making process
- a commitment to investigate and/or review Council procedures or practices where a complaint is justified
- recommendation to refer the complaint to an external body where Council cannot resolve the matter to the satisfaction of the complainant

CONFIDENTIALITY

Orange City Council customers can expect their privacy to be respected and personal information treated confidentially throughout the Complaint Management Process.

UNREASONABLE COMPLAINANT

Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or a greater level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern. This dissatisfaction may trigger one or a number of the following behaviours:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Unreasonable persistence is, in the opinion of the General Manager, where a customer:

- cannot be satisfied and persists with a complaint even though it has been comprehensively dealt with and all avenues of internal review or appeal have been exhausted
- continues to write, telephone or visit Council reframing the complaint
- is raising the same issue with different staff members

Unreasonable demands is, in the opinion of the General Manager, where a customer:

- insists on outcomes that are unattainable
- wants what is not possible or appropriate
- expects resources out of proportion to the seriousness of the issue
- whose demands on Council are significantly diverting Council's resources away from other functions
- whose demands are creating an inequitable allocation of resources to other customers

Unreasonable lack of cooperation is, in the opinion of the General Manager, where a customer:

- presents a large quantity of information which is not organised, sorted, classified or summarised where the complainant is clearly capable of doing this
- refuses to substantiate allegations or provide evidence that the complainant states is in their possession when requested for the purposes of investigation
- refuses to define the issues of complaint where the complainant is clearly capable of doing so
- changes the complaint once it is in the process of consideration
- presents information in dribs and drabs – find pieces of information in support of their complaint once a decision to decline or discontinue the complaint has been made

Unreasonable arguments include behaviours that, in the opinion of the General Manager, a customer:

- holds irrational beliefs
- holds conspiracy theories that are not supported by any evidence
- insists that a particular solution is the only correct one in the face of valid, contrary or alternative arguments

Unreasonable behaviours include a customer:

- displaying aggression, be it physical violence against property or person
- displaying anger including verbal abuse of either a personal or general nature
- posing threats and threatening offensive behaviour
- displaying rudeness, vulgar noises, expressions or gestures during a telephone conversation or during an interview

RESPONSE TO UNREASONABLE EVENTS/BEHAVIOURS

Council may respond to any unreasonable customer behaviour in the following ways:

- 1 The General Manager may write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the same matter, or continues to act unreasonably, Council may:
 - 1.a deem that an appointment is necessary if they wish to discuss the matter
 - 1.b nominate a staff member to deal with that person and restrict all interaction with Council to that staff member only.
 - 1.c require all future contact with Council to be in writing
 - 1.d continue to receive, read and register correspondence but only acknowledge or otherwise respond to it if the customer provides significant new information relating to their complaint or concern, or the customer raises new issues which in the General Manager's opinion, warrant fresh action
 - 1.e not accept any further telephone calls from the customer
 - 1.f not grant any further interviews

- 1.g not respond to any future correspondence and only take action, where in the opinion of the General Manager, the correspondence raises specific substantial or serious issues
 - 1.h only respond to a certain number of requests in a given period
 - 1.i require all interaction with Council to be via Council's nominated legal representative.
- 2** Staff, in dealing with unreasonable behaviour, may:
- 2.a warn the customer if any offensive or unreasonable behaviour continues, the conversation will be terminated.
 - 2.b terminate the conversation if the offensive or unreasonable behaviour continues after a warning has been given.
 - 2.c advise the customer that they should leave the building (failure to do so will result in the police being called to deal with the matter)
 - 2.d if the customer refuses, a Council staff member may contact the police or Council's Rangers to assist, whichever is most practicable or will be able to respond in the shortest possible time.
- 3** If, in the opinion of the General Manager, any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon. A copy will be forwarded to the police.

The customer shall be given an opportunity to make representations about Council's proposed course of action.

If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or a selection of points 1.a to 1.i above may now apply.

LIMITING A CUSTOMER'S ACCESS TO COUNCIL – LIMITS ON SERVICE FROM AND COMMUNICATIONS WITH COUNCIL

The limitations on services from and communications with Council arising from specific instances are detailed in the sections above. Such limitations cannot impede the statutory rights of the customer to information, such as under the Government Information (Public Access) Act 2009.

REVIEW OF ACTIONS INITIATED

- 1** The customer has the right to make representations to the General Manager for a review of any determination made. The rights are detailed in the specific incidences above.
- 2** The General Manager may nominate an alternative employee such as the Public Officer or Director to determine matters and/or review determinations.
- 3** If any subsequent review does not resolve the matter, the customer may complain, depending on the nature of the complaint, to either the NSW Ombudsman, the Office of Local Government or the Independent Commission Against Corruption.

UNACCEPTABLE BEHAVIOR AT MEETINGS OF COMMITTEES AND COUNCIL

The Chairperson will deal with any such behaviour in accordance with Council's Code of Conduct and Code of Meeting Practice.

STAFF INVOLVED IN A DIFFICULT OR STRESSFUL INTERACTION WITH A CUSTOMER

Staff who may experience a highly stressful or difficult experience with a customer are to immediately report the interaction with their Supervisor, Manager or Director. The Supervisor, Manager or Director is to notify Human Resources of the incident and offer counselling to the staff member via the Employee Assistance Program.

Any employee subject to verbal abuse will be encouraged to attend counselling via the Employee Assistance Program.

EXTERNAL AGENCIES

| AGENCY | NATURE OF COMPLAINT |
|---|--|
| NSW Ombudsman Level 24, 580 George Street, SYDNEY NSW 2000 Phone: 02 9286 1000 or 1800 451 524 Fax: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au | Matters concerning maladministration (where a Government body is seen to be causing an injustice) |
| NSW Office of Local Government Locked Bag 3015 NOWRA NSW 2541 Phone: 02 4428 4100 Fax: 02 4428 4199 Email: olg@olg.nsw.gov.au | Matters concerning serious Council misconduct or pecuniary interest matters |
| The Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2001 Phone: 02 8281 5999 or 1800 463 909 Fax: 02 9264 5364 Email: icac@icac.nsw.gov.au | Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The General Manager is required to report suspected cases of corrupt conduct to the ICAC |
| Anti-Discrimination Board PO Box W213 PARRAMATTA WESTFIELD NSW 2150 Phone: 9268 5555 or 1800 670 812 Fax: 02 9268 5000 | Matters in relation to discrimination, disability and harassment |
| Australian Competition and Consumer Commission GPO Box 3648 SYDNEY NSW 2001 Phone: 02 9230 9133 Fax: 02 9223 1092 | Competitive neutrality complaints |
| Information and Privacy Commission GPO Box 7011 SYDNEY NSW 2001 Free call phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au | Breaches of the Government Information (Public Access) Act 2009 Breaches of the Privacy and Personal Information Protection Act 1998 |