



# POLICY REGISTER

## Complaints Management Policy

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## 1. PURPOSE AND SCOPE

To provide guidance on the management of complaints that facilitates a consistent, fair and equitable process for resolution.

### 1.1 Applies to:

This Policy applies to complaints covered by the following definition;

*A complaint is generally any formal expression of dissatisfaction with Balranald Shire Council's (BSC's) policies and procedures, quality of service or follow up communication. It includes dissatisfaction with the outcome of a decision, level or quality of service, the failure to adhere to a policy or a procedure or the behaviour of an employee or agent that can be acted upon.*

The following are regarded by BSC as requests rather than complaints and as such are not covered by this Policy.

- Requests for service e.g. weed identification
- Requests for information or explanation of policies, procedures or decisions of BSC
- Concerns about neighbours or neighbouring properties
- An objection to a BSC decision
- Submissions relating to an item on public exhibition or a notification
- An internal grievance (Governed by BSC's internal policy framework)

## 2. REFERENCE

Legislation / Recognized Standards	<ul style="list-style-type: none"><li>• Ombudsman NSW complaint handler's toolkit</li><li>• Practice Note 9 – Complaints Management in Council's</li></ul>
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## 3. DEFINITIONS

### 3.1 Complaint

An expression of dissatisfaction with the BSC's policies, procedures, charges, agents, or quality of service presenting the opportunity to improve in these areas.

### 3.2 Complainant

Person or organisation making a complaint.

### 3.3 Grievance

An expression of dissatisfaction by an employee of BSC about the way in which they have been treated by another member of staff (including a supervisor).

### 3.4 Public Interest Disclosure

An allegation of corrupt conduct, maladministration, and serious and substantial waste that may be subject to the Public Interest Disclosures Act 1994.

## **4. TYPES OF COMPLAINTS**

Listed below are the different types of complaints that may be received by BSC. Complaints classified as 'General complaints' will be dealt with under this policy.

The other types of complaints listed below are covered under separate policies because they may have external reporting requirements, or they may be required to be dealt with by an external agency therefore are not dealt with under this policy.

### **4.1 General Complaints**

General complaints are an expression of dissatisfaction with BSC's policies, procedures or quality of service. They will be dealt with and resolved by the organisation and have no specific statutory reporting obligations.

### **4.2 Complaints against staff**

Complaints made against a member of staff are to be directed to the Public Officer in writing.

The complaint will then be referred to the General Manager and managed in accordance with the Local Government State Award and the appropriate policy or protocol.

All complaints made against staff will be documented on the employee's personnel file. A response regarding the complaint will be provided to the customer in writing.

If a complaint against a staff member is in breach of the Code of Conduct the complaint will be managed under section 4.3 of this policy.

### **4.3 Complaints with statutory reporting requirements**

#### **4.3.1 Complaints concerning the Code of Conduct**

Complaints concerning corrupt conduct, maladministration, serious or substantial waste or misuse by Councillors or Staff are covered under the Code of Conduct and will be dealt with in accordance with these requirements. The complaint handling procedure for code of conduct complaints is specified in BSC's Code of Conduct.

#### **4.3.2 Public Interest Disclosures**

Public Interest Disclosures are covered by BSC's Public Interest Disclosures – Internal Reporting Policy and will be handled in accordance with that policy.

#### **4.3.3 Allegations Under Child Protection Legislation**

Complaints relating to child protection are dealt with in accordance with NSW Child Protection reporting requirements and will generally be referred to the NSW Police.

#### **4.3.4 Competitive Neutrality Complaints**

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

Competitive Neutrality complaints must be in writing and will be referred to BSC's Public Officer who will acknowledge and investigate the complaint and will provide a response within twenty-one (21) days.

#### 4.3.5 Privacy Complaints

Complaints relating to privacy and breaches of the Privacy & Personal Information Protection Act 1998 are to be referred to the Public Officer. Complaints regarding privacy are dealt with in accordance with BSC's Privacy Management Plan.

#### 4.4 Anonymous Complaints

While anonymous complaints will be recorded, BSC will generally only act on them where the matter is of a safety or serious nature and there is sufficient information in the complaint to enable an investigation to be undertaken. The decision on whether to investigate will be made at the discretion of the Public Officer.

### 5. PROCESSES AND TIMEFRAMES FOR COMPLAINTS RECEIVED

Timeframe	Action
Immediate	Complaints lodged by phone and 'in person' will be acknowledged at time of receipt.
Within 1 day	All complaints will be recorded in BSC's electronic document management system. All complainants who provide contact details will be provided with written acknowledgement of the complaint.
Within 10 days	Written or electronic complaints - the staff member dealing with the complaint will provide acknowledgement and aim to give a timeframe for resolution of the matter where it is complex or requires investigation.
Within 28 days	BSC will aim to address the full complaint or keep the complainant informed of progress. For long and complicated issues updates will be provided at periodic intervals with the interval determined by the nature of the issue.
Within 28 days	Internal reviews should be completed within 28 days of the lodgment for a request for an internal review. For long and complicated reviews, an estimate of the time required and periodic updates should be provided by the Public Officer.

*Please note: Where a complaint relates to matters of a criminal nature, the investigation of such complaints is at the behest of an agency external to BSC and the above timeframes should only be used as a guide.*

### 6. UNREASONABLE COMPLAINANT CONDUCT

Unreasonable complainant conduct is any behaviour by a complainant which, because of its nature or frequency raises substantial health, safety or resource issues for the organisation or staff.

Such conduct can be categorised as unreasonable persistence, unreasonable demands, and unreasonable lack of co-operation, unreasonable arguments or unreasonable behaviour. BSC's strategy will depend on the circumstances of the unreasonable conduct in question.

The following strategies/processes may assist staff in dealing with the different types of unreasonable

conduct that may be displayed;

*Unreasonable Persistence/vexatious complaints*

- Telling the complainant firmly that something “is not going to happen”.
- Requiring the complainant who wants an internal review to provide sound reasons for one (i.e. explain how the complaint handler erred or the provision of new information if not the file remains closed).
- Making it very clear that following an internal review that, for better or worse, BSC has made its decision and if the complainant remains dissatisfied, they should seek an external review with the appropriate external agency.
- Adopting a firm “no further correspondence/contact stance”.
- Not allowing the complainant to reframe the complaint to re-enter the process unless they raise new and important issues.
- Ending phone calls that are unproductive.
- Adopting a firm and authoritative communication style both in writing and verbally.

*Unreasonable Demands*

- Letting complainants know in advance how BSC intends to deal with the complaint.
- Letting the complainant know that it is BSC who decides how a complaint will be handled.
- Avoid being drawn into hypothesis, hysteria, conspiracy theories, unproductive arguments and personal attacks.
- Restricting contact to defined times and prescribed staff members.
- Responding only to emails and mail addressed to the BSC directly.
- Ending unproductive phone calls.
- Limit contact to written only.
- NOT doing for unreasonably demanding complainants something the BSC would not normally do for any other complainant, just to appease them.
- Setting defined limits for any further contact.

*Unreasonable Lack of Co-operation/willfully misleading*

- Requiring complainant to summarise the information they have provided before you look at the complaint.
- Telling complainants that you will not look at their complaint until all the information has been presented.
- Ending the complaint management process where it is discovered that the complainant has been willfully misleading or untruthful in a significant way and inviting them to raise their concerns with the appropriate external agency if unhappy with BSC’s response.

*Unreasonable Arguments/ complaints made not in good faith*

- Decline from the outset or discontinued as soon as it becomes clear that the arguments are unreasonable or groundless.
- Alternatively, if unreasonable arguments are mixed with reasonable ones, the strategy should be to refuse to deal with the unreasonable portion.
- Again, if the complainant is unhappy with BSC’s response, the complainant should be invited to raise their concerns with the appropriate external agency.

*Unreasonable Behaviour (rude and intemperate language)*

- Return letters framed in rude and intemperate language.

- End telephone calls and interviews.

## 7. ABUSIVE OR THREATENING COMPLAINANTS

Abusive and threatening behaviour by complainants **will not** be tolerated. Where personal abuse or vulgar language is being used the communication may be terminated at the **discretion of the subject** employee and may involve the employee walking away from the complainant, termination of a telephone call, blocking future emails from the sender or returning offending letters to the sender unanswered.

Such behavior should be reported to the officer's Manager and documentation/file notes kept in relation to the behavior of the complainant and any action undertaken by the staff member or other officer. A register of people whose access has been restricted should be kept by the Public Officer and staff should have access to the register and be familiar with its contents.

A complainant who has exhibited such behavior should be advised by formal letter from the General Manager that such conduct will not be tolerated and that the continuation of such behaviour will result in withdrawing or restricting access to BSC and its staff.

Threats of harm to an employee or any other BSC Official should be taken seriously and referred to the NSW Police Service immediately. A pragmatic approach to the staff member's safety and security should also be considered (depending on the nature of the threat) such as having the staff member arrive at or leave work whilst other staff are on duty, having the staff member escorted to their vehicle and vetting work calls if required.

## 8. COMPLAINANT RIGHTS OF REVIEW

**Internal Review** - Should the complainant be dissatisfied with the handling or determination of a complaint, the Public Officer will oversee the internal review process.

The Public Officer should advise the complainant that they may request in writing this type of internal review. If requested, a more senior officer or a specialist officer (if technical issues are raised) will review the matter and respond to the complainant accordingly.

The Public Officer will advise the complainant in writing of the expected turnaround times (after consultation with the officer conducting the review process) and keep the complainant updated if an extension or more information is required.

**External Review** – should the complainant be dissatisfied with the internal review they will be provided with the relevant information regarding rights of appeal and may seek a review by the:

- NSW Ombudsman on 1800 451 524 or at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) - for complaints about the conduct of staff, enforcement matters and the administrative conduct of BSC itself;
- Independent Commission Against Corruption (ICAC) on 1800 463 909 or at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) - for complaints that a BSC official has acted corruptly.
- Office of Local Government (OLG) on 4428 4100 or at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) - for complaints about the overall functioning of BSC, pecuniary interest issues, tendering



or Councillor misconduct

BSC should be mindful that under Section 11 of the *Independent Commission Against Corruption Act* 1988, the General Manager has a duty to report any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct.

Further, if the matter complained about concerns an alleged breach of the pecuniary interest provisions of the *Local Government Act*; the *OLG Pecuniary Interest Guidelines 2006* make it clear that such matters must be reported by the General Manager after reviewing all information and determining that there is evidence consistent with a breach of the Act.

## **9 POLICY IMPLEMENTATION**

This policy will be implemented with reference to BSC policies including, but not limited to:

- Code of Conduct
- Privacy Management Policy

## **10 REPORTING & IMPROVEMENT**

Monthly, staff will provide succinct reports to the Staff Management Team on ongoing complaints received and subsequent follow-up and BSC action.

Reports will provide the following information on each complaint:

- the issue at the center of the complaint
- dates and history of complaint,
- action taken to address complainant's issues
- feedback from the complainant, where available, as to satisfactory resolution of the complaint or otherwise,
- information on internal reviews,
- on an annual basis, the collated complaints data is to be available for inclusion in BSC's Annual Report.

Complaints data should be captured, classified and analysed on a quarterly basis to assist in rectifying systemic and recurring problems. Management should review the data to identify areas that may need corrective action and process improvement within BSC's operations.

## **11 POLICY REVIEW**

It is intended that this Policy will be reviewed periodically, at a minimum once every term of an elected BSC, taking into account any further information or developments that may be to hand at that time.