

Hay Shire Council Policy



Title of Policy	Complaints Management	
This applies to	All staff	
Author	David Webb	Date Approved: 22 March 2022
Position of Author	General Manager	Authorised by: Council
Legislation, Australian Standards, Code of Practice.	Department of Local Government Practice Note 9 – Complaints Management in Councils – 2009 NSW Government – Managing Complaints about Local Council Policy (2013) Model Guidelines – Managing and Responding to Threats, Aggressive Behaviour and Violence from Members of the Public – NSW Ombudsman (2014)	
Related Policies/Procedures	Council’s Code of Conduct for local Councils in NSW.	
Attachments		
Aim	To respond in a positive and timely manner to complaints	
Version	Details	Date
Version 1	Initial Issue	29 th June 2010
Version 2	Review	29 th April 2014
Version 3	Review	February 2022
Superseded Policies	Complaints Handling Policy (undated) Draft Complaints and Enforcement Policy (undated)	
The Policy		

OBJECTIVE

The goals of this policy are to:

- Achieve an effective resolution of complaints within a reasonable timeframe;
- Provide a mechanism for responding to complaints in a timely and courteous manner;
- Ensure that an accessible and transparent complaints procedure is in place;
- Recognise the need to be fair to both the complainant and the organisation or the person being complained about; and
- Record, assess and review complaints on a regular basis to ensure responsiveness and on-going commitment to service improvement.

POLICY

This policy covers the following types of complaint:

- Those of a general nature;
- Complaints of corrupt conduct, maladministration or misuse of Council resources;

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- Complaints that cannot be resolved through normal Council procedures;
- Unreasonable complainant conduct.

It does not cover:

- Requests for a Council service (unless it is a second request, where there was no response to the first);
- Requests for documents, information or explanation of policies or procedures;
- Requests for Council to exercise a regulatory function (unless it is a second request following no response to the first);
- The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
- A submission relating to the exercise of a regulatory function (eg objection to a development application or submission on a policy);
- Complaints under the Council’s Code of Conduct which are covered by a separate process;
- Privacy or Child Protection Complaints which are subject to separate processes.

DEFINITIONS

Complaint An expression of dissatisfaction with the Council’s decisions, policies, procedures, charges, employees, agents or the quality of the service provided.

Formal complaint These are complaints that cannot be resolved through normal Council procedures and where the customer expresses a clear desire and intention to lodge a complaint in writing. Such complaints should be referred to the appropriate Director or the General Manager for investigation.

Child Protection Complaint This is a complaint involving Council staff that contains allegations of children and/or young people being at risk of harm. It covers breaches of the various Acts covering Child Protection. Such complaints should be referred to the General Manager so that appropriate investigations can be carried out.

Code of Conduct Complaints Such complaints relate to breaches of Council’s Code of Conduct, and are dealt with by the General Manager under separate processes.

Protected Disclosures This is a complaint made under the Protected Disclosures Act. It covers disclosures relating to corrupt conduct, maladministration or serious and substantial waste of public funds. The investigation of protective disclosures follows this policy but is subject to additional requirements relating to confidentiality and protection from retribution.

Such complaints should be referred to the General Manager.

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Privacy Complaint

This is a complaint made under the Privacy and Personal Information Protection Act, 1998. Such complaints should be referred to the General Manager.

LODGING A COMPLAINT

Complaints may be lodged with Council in person, by telephone, email or by letter. They should detail the name, address and contact phone numbers of the complainant together with sufficient details of the issue or problem to enable it to be investigated.

No action will be taken on anonymous complaints.

Where a complaint is received by telephone, a file note should be taken of the conversation to form the basis of the complaint and additional information sought as appropriate. However, if an allegation is serious or complex the complainant should be advised to document the matter in writing.

PROCEDURE FOR HANDLING COMPLAINTS

Upon receipt of a written complaint, the complaint is to be registered in Council's records management system and referred to the appropriate Director and/or General Manager.

A complaint received regarding staff is not to be entered into the Customer Request Module (CRM).

A staff member receiving a verbal complaint of a minor nature, should deal with the complaint at that time or refer it immediately to the appropriate staff member who may be able to resolve the problem on the spot. The staff member who resolves the complaint should register the complaint in Council's Complaint Register.

All complaints of a more serious or complex nature or minor verbal complaints that cannot be resolved on the spot are to be registered in Council's Complaints Register and referred to the relevant Director or General Manager for investigation. If the Director or General Manager is of the opinion that a complaint should have been lodged with an external agency or authority, they will contact the complainant to refer that person to the appropriate agency or authority.

The person investigating the complaint will determine what, if any, remedial action will be taken and shall record details of the investigation and remedial action taken or offered to the complainant and the subsequent response to the complainant in Council's Complaints Register.

The report should also indicate when and how the result of the investigation was communicated to the complainant.

Ensuring that complaints are met in a timely and effective manner is a major factor in ensuring satisfactory outcomes. If it is not possible to resolve a matter within a reasonable time, the complainant should be given an interim report outlining the steps that are being taken and the progress that has been made.

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Where it is apparent that the views expressed by the complainant are not generally supported by others similarly impacted by the matter in question, the complainant shall be so advised and informed that Council is not intending to take further action on the matter.

Right of appeal

The complainant shall be advised that he or she has a right of appeal to Council if not satisfied with the determination made by an employee of Council, including the referral to relevant authority.

COMPLAINTS AGAINST COUNCILLORS AND/OR STAFF

The procedures to be followed when a formal complaint is lodged against a councillor or a council employee are the complaint handling procedures outlined in Council's Code of Conduct. No complaint is to be acted upon unless it is in writing and signed.

The complaint may relate to a breach of the Code of Conduct, a breach of some other policy, or to other inappropriate action or inaction.

COMPLAINTS MADE TO COUNCILLORS

Complaints are often made directly to the Mayor or Councillors rather than Council staff. In order for the above processes to be followed Councillors are requested to:

Ask the complainant whether they have previously made the complaint to Council staff. If not, they should ask them to contact the relevant staff so that details can be obtained.

Alternatively, the complaint should be referred to the General Manager so that appropriate action can be initiated.

The Councillor involved will be advised of the action proposed or taken on the complaint.

MAKING RESTITUTION

An important part of complaint management is ensuring that if a complaint is found to be correct then some form of restitution is made to the complainant. Making restitution is a way of acknowledging that a wrong has been done and that it is regretted.

There are various ways of making restitution.

Apologising

The most common form of restitution is making an apology. Often this is sufficient to resolve a complaint. The type of apology (verbal, written or published) depends on the situation and the nature of the complaint.

Making Good

There may be occasions where Council will agree or be directed to make good any damage that it has caused to another party. Council should consult its insurer before taking such action.

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Compensation

Council may agree or be directed to make a payment of money to a complainant for pain, suffering, embarrassment or loss of income caused by Council's negligent action.

DIFFICULT COMPLAINANTS

There may be occasions where a complainant's actions or motivations are unacceptable. Council recognises that staff have rights that must be respected when dealing with aggressive or vexatious complaints.

Many complainants are angry or aggrieved and sometimes with good cause. Most behave in legitimate ways. However, a small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make it difficult for Council, rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again.

Details of such complainants should be referred to the General Manager who will decide if they should be considered as frivolous or vexatious complainants and determine any future action regarding their complaints.

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