



Ku-ring-gai Council

# Policy

## Complaints Management

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# Complaints Management

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## Controlled Document Information

### Authorisation Details

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### Related Document Information, Standards & References

<b>Related Legislation:</b>	Local Government Act 1993 Privacy and Personal Information Protection Act 1998 Independent Commission Against Corruption Act 1988 Ombudsman Act 1974 Public Interest Disclosures Act 1994 Government Information (Public Access) Act 2009	
<b>Related Policies (Council &amp; Internal)</b>	Code of Conduct Procedures for the Administration of the Code of Conduct for Councils in NSW Public Interest Disclosures	
<b>Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc.</b>	NSW Ombudsman, Effective Complaint Handling Guidelines 2017 NSW Ombudsman, Complaint Management Model Policy 2015 NSW Ombudsman, Managing Unreasonable Complainant Conduct Manual 2012	
<b>Other References</b>		

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## Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	13/11/2001	11/10/2010	Internal Ombudsman	Original version
2	12/10/2010	21/04/2020	Internal Ombudsman	Updated to reflect changes in the 2008 Code of Conduct
3	22/04/2020	TBA	Manager People & Culture Manager Governance & Corporate Strategy	Review to align with NSW Ombudsman model policy

## 1. Policy Introduction

### 1.1 Purpose

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

This policy provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.

### 1.2 Scope

This policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.

Staff grievances, Code of Conduct complaints, complaints about corrupt conduct, pecuniary interests or competitive neutrality, public interest disclosures and child protection matters are dealt with through separate mechanisms.

### 1.3 Organisational Commitment

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	<p>Report publicly on Council's complaint handling.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</p>

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<p>Manager delegated by the General Manager as responsible for complaint handling</p>	<p>Establish and manage our complaint management system.</p>	<p>Provide regular reports to the General Manager on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>

All staff	Understand and comply with Council's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of Council's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Council's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>
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## 2. Terms and Definitions

### Complaint

Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Complaints include expressions of dissatisfaction with the quality of, or delays in, providing a service, taking an action or making a decision, outside of Council's service levels.

A complaint covered by this Policy can be distinguished from:

- staff grievances [see the definition of 'grievance' below]
- public interest disclosures made by our staff
- code of conduct complaints
- feedback about the standard of our service provision [see the definition of 'feedback' below]
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback' below]
- an expression of disagreement with Council policy or a lawfully made decision
- service requests [see definition of 'service request' below], and
- requests for information.

### Complaint management system

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

### Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, 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.

### Service request

A service request includes:

- requests for approval
- requests for action
- routine inquiries about the Council
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by Council
- requests for explanation of policies, procedures and decisions.

### Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem.



### 3. Guiding Principles



#### 3.1 Facilitate Complaints

##### People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process
- provided with 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.

##### No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

##### Anonymous complaints

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

##### Accessibility

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

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 if this is their wish. 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, another organisation).

##### No charge

Complaining to us is free.

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## 3.2 Respond to Complaints

### Early resolution

Where possible, complaints will be resolved at first contact with Council.

### Responsiveness

We will promptly acknowledge receipt of complaints.

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.

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

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

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).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

### Objectivity and fairness

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

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

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.

### Responding flexibly

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.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

### Confidentiality

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

### **3.3 Manage the Parties to a Complaint**

#### **Complaints involving multiple agencies**

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.

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.

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.

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.

#### **Complaints involving multiple parties**

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

#### **Empowerment of staff**

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

#### **Managing unreasonable conduct by people making complaints**

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.

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.

The NSW Ombudsman has defined unreasonable complainant conduct as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.

The Ombudsman has identified five distinct kinds of unreasonable conduct, as follows:

- **Unreasonable persistence**

This includes complainants persisting with their issues even though they have been dealt with to finality, refusing to accept final decisions and sending excessive amounts of correspondence.

The overarching management strategy for dealing with unreasonable persistence is saying ‘no’ – not necessarily using the word but the same principle.

- **Unreasonable demands**

This includes complainants insisting on outcomes that are unattainable, moving the goal posts or demanding to have their complaints dealt with in particular ways.

The overarching management strategy for dealing with unreasonable demands is setting limits – eg limiting how often a complainant can telephone the organisation, who they can call, for how long etc.

- **Unreasonable lack of cooperation**

This includes complainants providing disorganised, excessive or irrelevant information, being unwilling to consider other valid viewpoints, or refusing to define their issues of complaint when they are capable of doing so.

The management strategy for dealing with unreasonable lack of cooperation is setting conditions – eg requiring a complainant to define their issues of complaint or organise information they have submitted with their complaint.

- **Unreasonable Arguments**

This includes complainants seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence, and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.

The management strategy for dealing with unreasonable arguments is declining and discontinuing – eg refusing to deal with complaints that are not supported by any evidence.

- **Unreasonable behaviour**

This includes extreme anger, aggression, threats or other threatening or violent conduct.

The management strategy for dealing with unreasonable behaviours is setting limits and conditions about acceptable and unacceptable behaviour and, if necessary, applying risk management strategies and/or security policies and procedures.

Council’s approach to unreasonable complainant conduct will vary depending on the specific circumstances involved. Council will use the NSW *Ombudsman’s Effective Complaint Handling Guidelines 2017* and *Managing Unreasonable Complainant Conduct Practice Manual 2012* as a guide for both identifying unreasonable conduct and establishing strategies to address that conduct. Strategies which involve limiting an individual’s access to Council or its facilities will be applied as a last resort, and only on the authority of the General Manager.

## 4. Complaint Management System



### 4.1 Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.

### 4.2 Receipt of Complaints

Unless the complaint has been resolved at the outset (at first contact with Council), we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant information, and
- any additional support the person making a complaint requires.

### 4.3 Acknowledgement of Complaints

We will acknowledge receipt of each complaint promptly, in accordance with the service standards published on Council's website.

Consideration will be given to the most appropriate medium (e.g. phone, email, letter) for communicating with the person making a complaint.

### 4.4 Initial Assessment and Addressing of Complaints

#### Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people’s health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

### **Addressing complaints**

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

- Give the person making a complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will address complaints within a reasonable timeframe, in accordance with the service standards published on Council’s website. We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case.

### **4.5 Providing Reasons for Decisions**

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

### **4.6 Closing the Complaint, Record Keeping, Redress and Review**

We will keep comprehensive records about:

- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

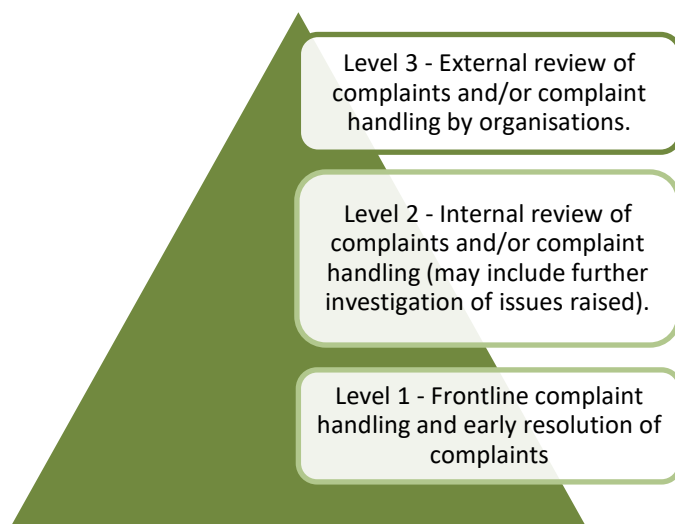
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## 4.7 Alternative Venues for Dealing with Complaints

People who make complaints to or about us may have external review options available to them, including the NSW Ombudsman, Office of Local Government, the ICAC and the Information and Privacy Commission.

## 4.8 The Three Levels of Complaint Handling



We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of our decision (by the Ombudsman for example).

## 5. Accountability and Learning

### 5.1 Analysis and Evaluation of Complaints

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

Regular reports will be run on:

- the number of complaints received
- the outcome of complaints
- issues arising from complaints
- systemic issues identified

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

### 5.2 Monitoring of the Complaint Management System

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.
- Monitoring may include the use of audits and complaint satisfaction surveys.

### 5.3 Continuous Improvement

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- recognise and reward exemplary complaint handling by staff
- regularly review the complaints management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.