

KU-RING-GAI COUNCIL

COMPLAINTS MANAGEMENT POLICY

1 Purpose

This document aims to provide a policy for staff, Councillors and customers regarding enquiries or complaints received by Ku-ring-gai Council (Council), and how they should be resolved.

2 Objectives

Council is committed to providing quality customer service and ensuring that all customer enquiries and complaints are resolved in a timely and effective manner.

Council will treat all matters, whether an enquiry or complaint, equally and aim to provide a fair and reasonable outcome to both the customer and Council. Compliments, inquiries and suggestions about Council's service or staff are welcomed and provide valuable feedback about Council's quality of service.

3 Principles

Council recognises that customers have a right to expect quality customer service and considers responding to and resolving customer enquiries and complaints as an opportunity to:

- create a second chance to provide service and satisfaction to dissatisfied customers,
- identify areas that need improvement,
- provide opportunities to strengthen public support for Council,
- assist in planning and allocation of resources.

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All complaints (as defined in this policy) will be dealt with according to this policy and the ground rules set out in Attachment A.

4 Definitions

In this policy:

complaint means an expression of dissatisfaction about Council's service, policies, procedures, quality of service, actions of staff or Councillors.

service request and service enquiry means a general request for service and/or information.

5 Complaint types

5.1 Code of Conduct complaint

A complaint that alleges conduct that if proven, would represent a serious breach of Council's Code of Conduct. This may include complaints which customers have specifically requested be dealt with under the Code of Conduct.

Complaints about members of staff, delegates of Council and or members of Council Committees (other than Councillors) will be referred to the General Manager and will be dealt with in accordance with Council's Code of Conduct.

Complaints about Councillors will be referred to the General Manager, who will determine whether to refer the matter to Council's Conduct Review Committee/Reviewer in accordance with Council's Code of Conduct.

Complaints about the General Manager will be referred to the Mayor, who will determine whether to refer the matter to Council's Conduct Review Committee/Reviewer. Such complaints will be dealt with in accordance with Council's Code of Conduct.

Complaints about an administrator will be reported to the Minister for Local Government in accordance with Council's Code of Conduct.

5.2 Pecuniary interest complaints

Complaints regarding pecuniary interest matters will be reported to the Director General of the Department of Local Government and will not be dealt with by Council.

5.3 Privacy complaint

A complaint about how Council deals with the personal information and health information it collects about individuals.

Complaints about privacy will be dealt with in accordance with Council's Privacy Management Plan.

5.4 Competitive neutrality complaint

A complaint that alleges that, Council has failed to abide by the principle of competitive neutrality. That is, where Councils compete in the market place they should do so on a basis that does not utilise their public position to gain an unfair advantage over a private sector competitor.

Complaints in relation to competitive neutrality will be forwarded to the General Manager, for consideration and/or referral to an appropriate external authority for investigation.

5.5 Child Protection Complaint

Any staff member who has a mandatory reporting responsibility by virtue of Section 27 of the Children and Young Persons (Care and Protection) Act 1998 are legally obliged to make a report to the Department of Community Services. Such a report should also be referred to the General Manager.

6 Lodging complaints

Complaints may be lodged with Council in the following ways:

- by telephone,
- in person,
- in writing, including by letter, email or facsimile.

Anonymous complaints will be acted on only where the matter is relatively serious and there is sufficient information in the complaint to enable an investigation to be conducted.

7 Recording of complaints

All complaints received by Council will be recorded in Council's Customer Request Management System (CRMS) in accordance with council's CRMS procedure.

8 Recording of service requests or service enquiries

This will be undertaken by staff in Council's Customer Service Centre, located at Council's Administration Centre at 818 Pacific Highway, Gordon. The Customer Service Centre can also be contacted on (02) 9424 0000.

Some examples include: copies of development documentation; requests for approval of tree removal; general enquiries about building proposals; rates enquiries; general information on roads, footpaths and so on. Requests for application forms or to view or obtain copies of documents, are available from the customer service centre counter. This area may also refer a customer to a particular section or department, if it is more appropriate to do so.

Staff in the Customer Service Centre will assist customers with general Council enquiries and complaints, in accordance with Council's Service Standards.

A request for service will only become a complaint when:

- the matter has reached an impasse and cannot be resolved to the customer's satisfaction, and
- the customer formally requests to make a complaint in relation to the actions (or inaction) of Council officers in relation to the original request for service.

A request for service or a request for information or explanation of policies or procedures, will not usually be recorded as a complaint.

Where a customer is requesting a service, and there are no prior indications of a failure to provide that service, the request will be recorded as an 'action request' on the CRS.

9 Complaint Handling

9.1 Frontline staff

When an issue is raised by a customer with a staff member in Council's Customer Service Centre, that staff member will attempt to resolve the issue in

the first instance. If the issue relates to conduct of that staff member, it should be immediately referred to the Supervisor or Manager, for attention.

9.2 Manager or Director

If the staff member does not resolve the issue or a customer is still dissatisfied, the complaint will be directed to a Manager or Director of the relevant Council department for review, investigation and/or resolution.

10 Office of the Internal Ombudsman

The Office of the Internal Ombudsman considers complaints from people who believe they have been adversely affected by the defective administration of Council or issues associated with the conduct of Council staff.

The Office is considered an avenue of 'last resort' when issues have not been effectively resolved by the Manager or Director.

The Office only has jurisdiction in relation to complaints regarding decisions, actions or omissions of public administration and does not have any power to change a decision of the elected Council.

11 External Agencies

Any issues relating to corruption, serious or substantial waste or pecuniary interests should be directed to the General Manager or the Internal Ombudsman.

The General Manager has reporting responsibilities to external agencies such as the Independent Commission Against Corruption (ICAC) and the Department of Local Government (DLG).

Where complaints cannot be resolved within Council, complaints may be referred to an appropriate external agency, for review. Such agencies may include, the ICAC, the NSW Ombudsman or the DLG.

12 Unreasonable complainant conduct

Council may, from time to time, receive complaints from customers who exhibit unreasonable conduct. This conduct may include, unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviours.

Council will deal with such conduct in accordance with the ground rules of this Policy as attached at Appendix A.

13 Performance standards

Acknowledgement of complaints, including where the complaint has been referred to if relevant, shall be dealt with by staff immediately upon receipt of the complaint.

Staff having responsibility for resolving complaints should provide a reasonable estimate to the complainant of the time it may take to conduct sufficient enquiries or investigation in order to finalise the matter. The complainant should be advised if a delay to a previously advised estimate becomes apparent.

14 Confidentiality

Staff will ensure that confidentiality of complaints, including the identity of the customer, will be maintained in accordance with relevant legislation and council policies.

15 Reporting on complaints

All significant complaints will be regularly reviewed for their number, type and nature. Significant trends will be further analysed and underlying causes of complaints identified. The information is to be reported via the Customer Service Statistical Summary on a monthly basis. The aim is to reduce further complaints by revising procedures, providing staff training or other appropriate means.

16 Implementation

The implementation of this policy is the responsibility of the Council and the General Manager. Councillors and staff will be given initial and refresher training in this policy.

17 Breaches of this policy

The obligation to comply with this policy rests with each individual Councillor and staff member.

Staff who believe that a Councillor or other staff have breached this policy are encouraged to discuss the matter with their immediate supervisor or manager. Should you be dissatisfied with the outcome of the discussion and subsequent action you should raise the matter with your director or the General Manager.

Councillors should raise any concerns with the Mayor or the General Manager.

Breaches that involve a failure to comply with this policy by a Councillor or the General Manager may be considered by the Council's Conduct Review Committee/Reviewer.

The Council, Mayor or General Manager as appropriate will investigate any complaint received and take such action as is considered necessary.

Breaches of this policy may result in:

- counselling
- formal apology
- censure motions for Councillors
- disciplinary action
- criminal investigation
- criminal charges

A serious breach of this policy may amount to corrupt conduct or maladministration. Should you be concerned at any time that reprisal action may be taken against you for reporting a breach then you might consider making a protected disclosure. A protected disclosure allows you to report corrupt conduct, maladministration or serious and substantial waste of public money and be protected from any reprisal action. Further information is available in the *Internal Reporting Policy - Protected Disclosures*.

18 Associated documents

Codes and Policies

Code of Conduct
Privacy Management Plan
Internal Reporting Policy – Protected Disclosures

External references

NSW Ombudsman. The Complaint Handler's Toolkit (2nd edition), June 2004

NSW Ombudsman, Managing Unreasonable Complainant Conduct: Practice Manual, June 2009
NSW Ombudsman/NSW Dept of Local Government, Complaints Management in Councils, July 2009
NSW Ombudsman, Effective Complaint Handling, June 2004

ATTACHMENT A

GROUND RULES

In order for Council to ensure a high standard of service to complainants and to meet its occupational health and safety and duty of care obligations to its staff, the following ground rules will be observed by Council staff and complainants respectively.

It is the responsibility of Council to:

- deal with complaints professionally, efficiently and impartially
- keep complainants informed of the progress and outcome of enquiries
- provide clear reasons for its decisions
- treat complainants with courtesy and respect

If Council does not meet its responsibilities, the complainant can make a complaint to the General Manager.

It is the responsibility of the complainant to:

- clearly identify the issues of complaint, or ask for help from Council's staff to do this
- give Council all the available information in support of the complaint in an organised format at the time of making the complaint
- co-operate with Council's enquiries or investigations
- treat Council staff with courtesy and respect

If complainants do not meet their responsibilities, Council may set limits or conditions on the handling of their complaint. Any abuse, harassment or threats to the safety or welfare of staff at Council may result in the immediate discontinuation of the complaint and contact with the complainant will cease.