

<b>Title of Policy</b>	<b>SMRC COMPLAINT MANAGEMENT POLICY</b>		
<b>Responsible Department</b>	Governance	<b>Document Register ID</b>	250.2018.466.2
<b>Policy Owner</b>	Group Manager Governance	<b>Review Date</b>	21 November 2023
<b>Date of Council Meeting</b>	21 November 2019	<b>Resolution Number</b>	428/19
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 (NSW) Public Interest Disclosures Act 1994 (NSW) Government Information (Public Access) Act 2009 (NSW) Privacy and Personal Information Protection Act 1998 (NSW) AS/NZS 10002:2014 – Guidelines for complaint handling in organisations Office of Local Government Practice Note 9 Complaints Management in Councils, July 2009 NSW Ombudsman – Effective complaint handling guidelines, 3rd Edition, February 2017 NSW Ombudsman – Complaint management framework and model policy, 2015 NSW Ombudsman – Investigating complaints – A manual for investigators, June 2004 NSW Ombudsman – Good conduct and administrative practice – Guidelines for state and local government, 3 <sup>rd</sup> Edition, April 2017 NSW Ombudsman – Managing Unreasonable Complainant Conduct – a Model Policy and Procedure, May 2013 NSW Ombudsman – Managing unreasonable complainant conduct manual, June 2017		
<b>Aim</b>	This policy is to ensure Council applies the commitments of best practice complaint handling in a fair, effective and efficient manner.		

## 1 INTRODUCTION

The purpose of this policy is to ensure Council manages complaints in a fair, effective and efficient manner and consistent with best practice. Our complaint management system is intended to:

- Make it easy for people to make a complaint
- Enable Council to respond to the issues raised by people making complaints, professionally, timely and cost-effective way;
- Boost public confidence in our administrative process; and
- Receive information that can be used by us to improve delivery quality in our services, staff and complaint handling.

This policy, is aligned to the NSW Ombudsman and AS/NZS 10002:2014 Complaint Management Standard best practice model. It provides guidance to our staff and the people who wish to make a complaint on the key principles and components of our complaint management system.

It applies to all staff receiving or managing complaints from the public made to or about us, our services, our decisions and/or how Council handles complaints.

## 2 OBJECTIVES

Through this policy Council aims to effectively deal with and manage complaints received from our customers, citizens and the community by:

- Demonstrating and promoting Council's commitment to customer satisfaction
- Ensuring that all complaints are responded to in a courteous, fair, confidential and timely manner, without bias or fear of retribution
- Ensuring that all members of the community can access information on how complaints will be dealt with by Council
- Educating staff in relation to complaint handling procedures and practices
- Monitoring feedback in an endeavour to improve existing services and facilities and Council's public image
- Creating a second chance to provide service and satisfaction to dissatisfied members of the public
- Identifying areas that need improvement
- Providing opportunities to strengthen trust and relationships between the community and Council
- Assisting in planning and allocation of resources.

## 3 ORGANISATIONAL COMMITMENT

Council is committed to delivering quality customer services and to communicate effectively with its customers, citizens and the local community. This commitment extends to welcoming and valuing feedback and to ensure good complaint handling is practiced across all levels of the organisation.

Council's complaint management system is based on four guiding complaint handling principles of enabling complaints; managing complaints; managing the parties of a complaint and demonstrating organisational accountability, learning and prevention of complaints.

Council commits to:

- Accept any criticism graciously, believing that there is always room for improvement
- Ensuring that staff at all levels are committed to fair, effective and efficient complaint handling
- Deal with complaints in accordance with this policy
- Widely publicise the existence of this policy
- Encourage members of the public dissatisfied with Council's conduct to lodge complaints
- Advise complainants of their right to make a complaint to an external body if they are dissatisfied with the way that their complaint has been handled internally

## 4 WHAT IS A COMPLAINT

### Definition

For the purpose of this policy a complaint is any expression of dissatisfaction made to or about Council, its services and/or complaint handling, where a response or resolution is explicitly or implicitly or legally required.

A complaint can be about the following:

- **Policies, procedures and processes** – this usually relates to dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure;

- **Employees** – usually relates to dissatisfaction with the behaviour of a Council employee;
- **Quality of service** – generally related to the quality of the finished job such as service not up to an expected standard, or the work or service taking longer than previously specified.

## 5 WHAT IS CONSIDERED NOT A COMPLAINT

The following are not considered to be complaints under this policy:

- a request for works or services – unless it is a second request where there has been no response to the first request or where, in the view of the customer the response was unsatisfactory
- a complaint about an event, service or business for which the Council is not responsible
- a request for information or explanation of policies, procedures
- disagreement with Council's policy or a lawfully made decision
- the lodging of an appeal or objection in accordance with a standard procedure or policy (e.g. a complaint about an approved development or draft policy or plan – unless this is recorded as a complaint about the Council's decision making process
- reports of damaged or faulty infrastructure
- reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of Council's service
- the issue of a penalty notice or taking other regulatory action for an offence under an Act or Regulation
- staff grievances
- public interest disclosures made by our staff
- code of conduct complaints
- responses to requests for feedback about the standard of our service provision
- reports of problems of wrongdoing merely intended to bring a problem to our notice with no expectation of a response
- requests for information

Many of the above issues will be referred to by the customer as 'complaints' because the customer is unhappy about the situation and wants something done. To Council, however, the 'complaint' is a request for action.

This terminology does not reduce the importance of the issue, nor does it change the actions that Council will take. However, it does help Council differentiate between a complaint and a service request so that the issue can be registered appropriately in Council's Complaint Management System.

## 6 GUIDING PRINCIPLES

Council's Complaint Management System is grounded in the following four principles.



## 6.1 Enabling Complaints

### 6.1.1 People Focus

Council is 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 multiples and 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.

#### How to make a complaint

A person can make a complaint in a number of ways.

Mail: PO Box 714, COOMA NSW 2630

Telephone: 1300 345 345

Email: [council@snowymonaro.nsw.gov.au](mailto:council@snowymonaro.nsw.gov.au)

In person:

- Cooma 81 Commissioner Street
- Berridale 2 Myack Street
- Bombala 71 Caveat Street
- Jindabyne Shop 2 Razorback Plaza, Gippsland Street

Internet: [www.snowymonaro.nsw.gov.au](http://www.snowymonaro.nsw.gov.au)

### 6.1.2 No detriment to people making complaints

Council 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.

### 6.1.3 Visibility and Transparency

Council will ensure that information about how and where a complaint may be made to or about Council is well publicised.

### 6.1.4 Accessibility

We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

#### Use of Authorised Person

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, Council will communicate with them through their authorised 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).

### 6.1.5 No Charge

Council does not charge a fee to lodge a complaint.

## 6.2 Managing Complaints

### 6.2.1 Responsiveness

Council, will where possible, resolve complaints at first contact.

Should this not be possible due to the complex nature of the complaint to be investigated, or the availability of relevant information to make a decision Council will endeavour to contact you within five working days of receipt to discuss the going process being undertaken?

Council 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.

Council is 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.

Council 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).

Council 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. Most complaints should be handled within 20 working days of receipt by Council.

### 6.2.2 Objectivity and fairness

Council will address each complaint with integrity and in an equitable, objective and unbiased manner and ensure the person handling a complaint is different from the staff member who made the original decision or whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly.

### 6.2.3 Privacy and Disclosure

Personal identifiable information about any individual should only be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

### 6.2.4 Communication

Council will make available information about its complaint management policies, processes and procedures on Council's website. For complaints received which cannot be resolved at first point of contact we will inform the complainant of the steps that will be followed to investigate the complaint.

## 6.3 Managing the Parties

### 6.3.1 Empowerment of Staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. Our staff members are empowered to resolve complaints promptly and with as little formality as possible.

Council is committed to early resolution and where possible will attempt resolution of complaints at first contact. Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

### 6.3.2 Complaints involving multiple agencies

Where a complaint involves multiple organisations, Council 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 accept complaints not only about the actions of our staff but also the actions of service providers.

### 6.3.3 Complaints involving multiple parties

When similar complaints are made by related parties, Council prefers to communicate with a single representative of the group.

### 6.3.4 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.

For further information on managing unreasonable conduct by people making complaints please see our policy on managing unreasonable conduct by people making complaints.

### 6.3.5 Work Health and Safety

Council has appropriate policies, procedures and practices to ensure the health and safety of its staff involved in complaint management are protected.

Council has a zero tolerance policy towards any harm, abuse or threats directed towards its staff. We all have a duty of care to ensure our staff or ourselves are not placed in real or potential threatening situations.

## 6.4 Accountability, Learning and Prevention

### 6.4.1 Organisational Accountability

Everyone has a right to complain. People making complaints should be treated with respect and actively involved in the complaints processes i.e. being acknowledged and kept informed of the process. Council Officers should also comply with Council's complaint handling policies and procedures and keep informed about best practice in complaint handling. Additional responsibilities exist for staff holding the positions as per the Table below.

Role	Responsibility
<b>Councillors</b>	The elected Councillors have a responsibility to accept complaints and refer them to the General Manager or appropriate Director.
<b>Council's General Manager and Directors</b> commit to promoting a culture that values complaints and their effective resolution by undertaking the following:	Report to OLG on Council complaint handling as required
	Provide adequate support and direction to key staff responsible for handling complaints
	Regularly review reports about complaint trends and issues arising from complaints
	Encourage staff to make recommendations for system improvements
	Recognise and reward good complaint handling by staff
	Support recommendations for system, service and / or product improvements arising from analysis of complaint data
<b>Council's Group Manager Governance</b> , as the Manager responsible for complaint handling, is committed to establishing and managing our complaint management system by undertaking the following:	Provide regular reports to the General Manager on issues arising from complaint handling work
	Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate
	Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures
	Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system
	Recognise and reward good complaint handling by staff
<b>Managers</b> , are responsible for dealing with complaints not able to be resolved at first point of contact and for management of complaints within their business unit by undertaking the following:	Provide support to staff dealing with complaints where necessary
	Ensure that complaints are responded to in a courteous, fair, confidential and timely manner and that complainants are advised of progress and outcomes.
	Provide suggestions to Group Manager Governance on ways to improve the organisation's complaints management system
<b>Staff Handling Complaints</b> , who duties involve complaint handling, are committed to demonstrating exemplary complaint handling practices by undertaking the following:	Provide suggestions to management on ways to improve the organisation's complaints management system

<b>All Council staff</b> are committed to understanding and complying with Council's complaint handling procedure by undertaking the following:	Assist people who wish to make complaints to access the Council's complaints handling process
	Assist staff handling complaints resolve matters promptly
	Provide feedback to management on issues arising from complaints
	Implement changes arising from individual complaints and from the analysis and evaluation of complaint data

### 6.4.2 Continuous Improvement

Good Complaint Management Systems record and use complaint information to:

- foster continuous improvement, and
- ensure accountability in complaint handling performance.

### 6.4.3 Prevention of Ongoing Disputes

Through Council's complaint management system we will attempt to resolve most complaints at the earliest point of contact. This should minimise the possibility of complaints escalating to ongoing disputes.

## 7 Dealing With Complaints about Corruption, Serious and Substantial Waste, Pecuniary Interests, Competitive Neutrality, and Criminal Activity.

### 7.1 From External Customers

Complaints of this nature should be lodged directly with the General Manager. The General Manager is obliged to report allegations of corrupt conduct to the Independent Commission Against Corruption (ICAC) and may report other serious allegations to the Police and/or other relevant authority.

Complaint involving allegations of criminal behaviour, should be automatically referred to the Police.

### 7.2 From Council Staff

Council has adopted an Internal Reporting Policy (under the *Public Interest Disclosures Act 1994*).

Staff, including contracted staff and Councillors, who wish to report corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *Government Information (Public Access) Act 2008* or local government pecuniary interest contravention, should follow the procedures in Council's Internal Reporting Policy.

### 7.3 Alternative Avenues For Reporting These Issues

Agency	Nature of Complaint
<b>NSW Ombudsman</b>	Matters concerning maladministration
<b>Office of Local Government</b>	Matters concerning serious Council misconduct or pecuniary interest matters
<b>The Independent Commission Against Corruption</b>	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.



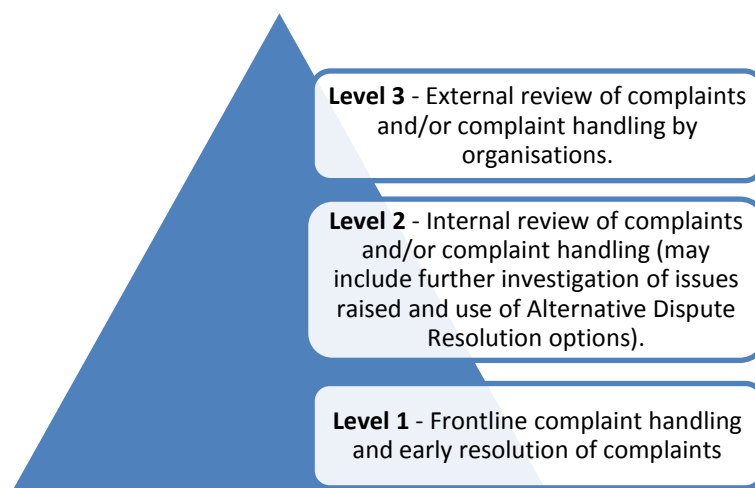
<b>Anti-Discrimination Board</b>	Matters in relation to discrimination, disability and harassment
<b>Australian Competition and Consumer Commission</b>	Competitive neutrality complaints
<b>Information and Privacy Commission</b>	Breaches of the Government Information (Public Access) Act 2009 (GIPA Act) and the Privacy and Personal Information Act 1998.

## 8 SAFEGUARDS AGAINST VICTIMISATION AND RETRIBUTION

Complainants will not be subject to victimisation or retribution as a result of lodging a complaint and any allegations of such treatment will be investigated and disciplinary action taken if substantiated.

If a complainant experiences such behaviour then they should lodge another complaint with the relevant Director or General Manager.

## 9 THE THREE LEVELS OF COMPLAINT HANDLING



Council aims 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 provides 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).

Persons who are not satisfied with the outcome or decision of their level two complaint investigation by Council may seek an external review of the decision, generally conducted by the NSW Ombudsman Office or the Office of Local Government.

## 10 RELATED DOCUMENTS

### Documentation

205.2019.558.1	SMRC Complaint Handling Procedure
250.2016.1.1	SMRC Code of Conduct Policy
250.2016.67.1	SMRC Grievance Policy
250.2017.338.1	SMRC Public Interest Disclosure Policy
250.2016.195.1	SMRC Customer Service Charter
250.2018.467.1	SMRC Managing Unreasonable Complainant Conduct Policy.

## 11 VARIATION

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

## 12 APPENDIX 1 - DEFINITIONS

### Competitive neutrality

This is based on the concept of the 'level playing field' for all competitors in a market, be they public or private sector competitors. The National Competition Policy requires that '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'. Council will comply with this policy at all times. For more information about the National Competition Policy see the Office of Local Government website.

### Complainant

Person or organisation making the complaint.

### Complaint

See page 4 of this policy for definition.

### Complaint management system

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

### Corrupt conduct

This means any conduct which could affect the honest and impartial exercise of official functions, or may be in breach of trust, or may involve the misuse of any Council information by any Council official. Examples of corrupt conduct would include the inappropriate use of information or material gained in an official function, bribery, blackmail, offering secret commissions, forgery, etc.

### Customer

A person offered a service by Council, including both internal and external customers.

### Council

Includes all employees and Councillors of Snowy Monaro Regional Council.

**Dispute**

An unresolved complaint escalated either within or outside our organisation.

**Feedback**

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services and/or complaint handling where a response is not explicitly or implicitly expected or legally required.

**Grievance**

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

**Maladministration**

Is a failure to comply with proper procedures or the law and may involve action or inaction and inefficient, bad or improper administration. Examples would include failing to enforce development consent conditions, failing to act on complaints about unauthorised work or illegal activities, failing to comply with tendering processes or misusing secrecy provisions, etc.

**Officer**

Is an employee of Council, not an elected representative?

**Pecuniary interest**

A situation where a public official has a personal monetary interest in their official duties. For example, a Council employee making a decision about a development application for their own interests.

**Policy**

A statement or instruction that set out how Council should fulfil its vision, mission and goals.

**Procedure**

A statement or instruction that sets out how our policies will be implemented and by whom.

**Public interest disclosure**

A report about wrong doing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.

**Service request**

This would include:

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