



**DATE ADOPTED: 28 March 2017**

**VERSION: 2.0**

## **POLICY OBJECTIVES**

This policy is intended to ensure that Council manages complaints fairly, efficiently and effectively.

Council's complaint management policy:

- Enables Council to respond to issues raised by citizens making complaints in a timely and cost-effective way.
- Boosts public confidence in our administrative process.
- Provides information that can be used to improve Council's services and complaint management.

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

## **POLICY SCOPE**

For the purpose of this policy, a complaint is considered to be an expression of dissatisfaction made to or about Council services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

This policy applies to all complaints received by the organisation and to all staff receiving or managing these complaints, other than:

- Request for service, repairs, information or regulatory action by Council
- Code of Conduct complaints
- Staff grievances

This policy does not refer to complaints for which provision is made under specific legislations in New South Wales.

## **POLICY STATEMENT**

### **1. Organisational Commitment**

Maitland City Council recognises the value of complaints as an important tool in monitoring and responding to citizen and community expectations and will manage complaints in a timely and efficient manner.

Maitland City Council expects staff at all levels to be committed to fair, effective and efficient complaint handling.

### **2. Making a complaint**

Complaints can be made verbally or in writing by letter, email, fax or live chat.

Council does not accept complaints via social media.

When making a complaint citizens have a responsibility to:

- Clearly identify their issues of complaint
- Provide all relevant information about their complaint to the best of their ability

- Cooperate with any requests for information or investigations
- Act honestly and respectfully

### **3. Facilitating complaints**

#### **a. Citizen focus**

Council is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures and complaint handling. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

#### **b. No detriment to citizens making complaints**

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

#### **c. Anonymous complaints**

While anonymous complaints will be recorded, Council 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 General Manager.

#### **d. Accessibility**

Council will ensure that information about how and where complaints may be made is well publicised and ensure that systems to manage complaints are easily understood and accessible to everyone.

### **4. Responding to complaints**

#### **a. Early resolution**

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

#### **b. Responsiveness**

- Council will promptly acknowledge receipt of complaints within five (5) working days.
- Complaints will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised.
- Following investigation of the complaint an outcome will be communicated to the citizen.
- If the citizen is not satisfied with the outcome of a complaint, they may request an internal review by Council or external review by another appropriate agency such as NSW Office of Local Government, NSW Ombudsman or Independent Commission Against Corruption.

#### **c. Objectivity and fairness**

Council 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.

#### **d. Responding flexibly**

Staff are empowered to resolve complaints promptly and with as little formality as possible. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for citizens making complaints.

#### **e. Confidentiality**

The identity of the citizen making the complaint will be protected where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

## 5. Managing the parties to a complaint

### a. 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. Where services are contracted out, Council will take complaints not only about the actions of Council staff but also the actions of service providers.

### b. Complaints involving multiple parties

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

### c. Empowerment of staff

Staff managing complaints are empowered to implement Council's 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.

### d. Managing unreasonable conduct by citizens making complaints

Council will not tolerate unreasonable conduct by citizens making a complaint. For further information on managing unreasonable conduct by citizens making complaints please see Council's Unreasonable Complainant Conduct Policy.

## 6. Complaint management system

When responding to complaints, staff must act in accordance with Council's complaint management system. Staff must also consider any relevant legislation and/or regulations when responding to complaints and feedback.

Council's complaint management system establishes the internal processes for dealing with complaints and covers:

- Receipt and acknowledgement
- Internal Assessment
- Investigation
- Council's response and reasons for its decision
- Record keeping in relation to complaints
- Alternative avenues for dealing with complaints
- Review and monitoring of complaints for the purpose of continuous improvement

## 7. Trivial, frivolous, vexatious complaints

Complaints that the Public Officer determines to be trivial, frivolous, vexatious, or not made in good faith will not be investigated. These complaints will be recorded in Council's corporate information system and the citizen making a complaint will be notified that the matter will not be investigated and the reasons for this decision.

## DEFINITIONS

Complaint	An expression of dissatisfaction made to or about Council services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.
Complaint management system	All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.
Council	Maitland City Council
Dispute	An unresolved complaint escalated either within or outside of our organisation.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our products [where relevant], services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Public interest disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 1994</i> .



## POLICY ADMINISTRATION

BUSINESS GROUP:	ADMINISTRATION AND GOVERNANCE
RESPONSIBLE OFFICER:	GROUP MANAGER ADMINISTRATION AND GOVERNANCE
COUNCIL REFERENCE:	Ordinary Council Meeting – 28 March 2017 – Item 11.2
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	130/24 & 35/1
RELEVANT LEGISLATION	<p>Government Information (Public Access) Act 2009</p> <p>Independent Commission Against Corruption Act 1988</p> <p>Local Government Act 1993</p> <p>Local Government (General) Regulation) 2005</p> <p>Ombudsman Act 1974</p> <p>Privacy &amp; Personal Information Protection Act 1998</p> <p>Public Interest Disclosures Act 1994</p>
RELATED POLICIES / PROCEDURES / PROTOCOLS	<p>Child Protection Policy</p> <p>Code of Conduct</p> <p>Complaint Management Procedure</p> <p>EEO, Bullying &amp; Grievance Protocol</p> <p>Equity, Diversity &amp; Respect Policy</p> <p>Managing for Performance Protocol</p> <p>Privacy Management Plan</p> <p>Public Interest Disclosure – Internal Reporting Policy</p> <p>Right to Information Policy &amp; Guidelines</p> <p>Unreasonable Complainant Conduct Policy</p> <p>Violent, Aggressive &amp; Threatening Behaviour Procedure</p>



# POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	26/2/2013	New policy adopted.
2.0	28/3/2017	Periodic Review in line with NSW Ombudsman framework and Australian Standards.

