



DATE ADOPTED: 27 February 2024

VERSION: 3.0

POLICY OBJECTIVES

The Complaint Management Policy is intended to ensure that we handle complaints fairly, efficiently, and effectively. Maitland City Council's 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 for those who wish to make a complaint about Council's performance or operations. This policy is based on the NSW Ombudsman's model complaint handling policy.

POLICY SCOPE

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

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

POLICY STATEMENT

1. Organisational Commitment

Maitland City Council (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> <p>View a complaint as an opportunity for improved service delivery.</p>
Staff responsible for complaint handling	Establish and manage our complaint management system.	<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>
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<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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a. 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

2. Facilitating complaints

a. People 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. Council will promptly acknowledge receipt of complaints within five (5) working days.

People making complaints will be:

- provided with information about our complaint handling process.
- provided with multiples and accessible ways to make complaints, such as in person, by letter, email or through assistance by other people including staff,
- 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.

b. No detriment to citizens 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.

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.

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, 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).

e. No charge

Complaining to Council is free.

3. 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.

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.

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.

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.

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



e. Confidentiality

Council 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.

4. 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

All 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

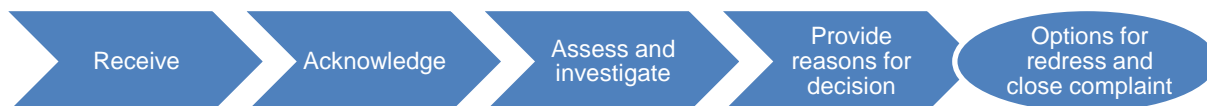
Council is committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- 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 refer to Council's [Unreasonable Complainant Conduct Policy](#).

5. Complaint management system



When responding to complaints, staff should act in accordance with Council's 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.

a. Receipt of complaints

Unless the complaint has been resolved at the outset, Council will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

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 and
- any additional support the person making a complaint requires.

b. Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly, and preferably within five (5) working days.

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

c. Initial assessment and addressing of complaints

Initial assessment

After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within Council's 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, Council 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, Council 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 person or area that the complaint is about, or
- Investigate the claims made in the complaint.

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 and take into account any statutory requirements.

d. Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, Council will contact the person making the complaint and advise them within 28 working days:

- 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.

e. Closing the complaint, record keeping, redress and review

Council 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.

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

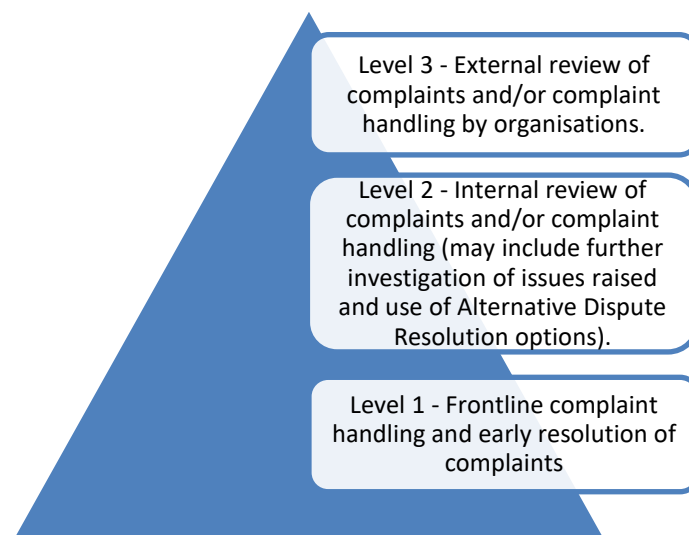
6. Unreasonable arguments

Complaints that the Public Officer determines to be unreasonable include any arguments that are not based on any reason or logic, that are incomprehensible, false, or inflammatory, trivial, or delirious, and that disproportionately and unreasonably impact upon Council, staff, services, time, or resources. 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.

7. Alternative avenues for dealing with complaints

We will inform people who make complaints to or about us about any internal or external review options available to them (including, but not limited to, the NSW Ombudsman, the NSW Office of Local Government and/or Cemeteries and Crematoria NSW).

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 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 NSW Ombudsman or the NSW Office of Local Government.

Accountability and learning

8. Analysis and evaluation of complaints

Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. Council currently uses two systems: Corporate Information System and Customer Request Management System (CRM).

Regular reports will be run on:

- a. the number of complaints received
- b. the outcome of complaints, including matters resolved at the frontline
- c. issues arising from complaints
- d. systemic issues identified, and
- e. the number of requests we receive for internal and/or external review of our complaint handling.

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

Both reports and their analysis will be provided to the General Manager and senior management for review.

8.1 Monitoring of the complaint management system

Council will continually monitor our complaint management system to:

- a. ensure its effectiveness in responding to and resolving complaints,
- b. identify and correct deficiencies in the operation of the system, and
- c. Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts in accordance with Councils Privacy Management Plan.

Any non-compliance with this policy will be handled in accordance with our incident and breach management protocol. Intentional breaches of this policy may result in disciplinary action.

8.2 Continuous improvement

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

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



9. Training and Awareness

Council will provide regular training to staff on Council's complaints handling system and procedures. This training will be supplemented by resources available on the staff intranet.

10. Accessibility of this Policy

This Policy will be made publicly available on Council's website ad staff intranet.



DEFINITIONS

Complaint	<p>An 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.</p> <p>A complaint covered by this Policy can be distinguished from:</p> <ul style="list-style-type: none">• public interest disclosures made by our staff [see our Public Interest Disclosure Policy]• code of conduct complaints [see our Code of Conduct]• responses to requests for 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']• service requests [see definition of 'service request' below], and• requests for information [see our Right to Information Policy].
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.
Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
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 2022</i> .
Service request	<p>Service requests include:</p> <ul style="list-style-type: none">• requests for approval,• requests for action,• routine inquiries about Council's business,• requests for the provision of services and assistance (for example, missed waste collection or road resurfacing),• reports of hazards, damaged or faulty infrastructure (for example, road potholes or fallen branches of Council trees)• reports of failure to comply with laws regulated by Council• requests for explanation of Council policies, procedures, and decisions.
Unreasonable arguments	<p>Arguments are unreasonable when they:</p> <ul style="list-style-type: none">• fail to follow a logical sequence that the complainant is able to explain to staff,• are not supported by any evidence or are based on conspiracy theories,• lead a complainant to reject all other valid and contrary arguments,• are trivial when compared to the amount of time, resources, and attention that the complainant demands, are false, inflammatory, or defamatory,• Are false, inflammatory or defamatory.



POLICY ADMINISTRATION

BUSINESS GROUP:	OFFICE OF THE GENERAL MANAGER
RESPONSIBLE OFFICER:	MANAGER OF THE OFFICE OF THE GENERAL MANAGER
COUNCIL REFERENCE:	Ordinary Council Meeting – 27 February 2024 – Item 11.1
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	130/24 & 35/1
RELEVANT LEGISLATION	<p>Cemeteries and Crematoria Act 2013</p> <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 & Personal Information Protection Act 1998</p> <p>Public Interest Disclosures Act 2022</p>
RELATED POLICIES / PROCEDURES / PROTOCOLS	<p>Child Protection Policy</p> <p>Code of Conduct</p> <p>Complaint Management Procedure</p> <p>EEO, Bullying & Grievance Protocol</p> <p>Equity, Diversity & 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 & Guidelines</p> <p>Unreasonable Complainant Conduct Policy</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.
3.0	27/02/2024	Periodic review, updated legislation and responsible business group.

