

COMPLAINTS HANDLING

Objective

- To define complaints
- To promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to complaints received
- To ensure that complaints are managed in a manner that endeavours to provide satisfaction to complainants
- To inform Council's customers and citizens of Gilgandra Shire of the process to handle complaints received
- To recognise the importance of complaints in providing feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training needs

Scope

Applies to all complaints lodged with Council

Policy

Gilgandra Shire Council is committed to providing and maintaining a high standard of customer service and welcomes customer feedback, which can include either complaints or compliments. Efficient management of complaints enables Council to identify problems and continuously improve service standards and delivery.

Definition of a Complaint

A complaint is an expression of dissatisfaction with the Council's decisions, policies, procedures, charges, employees, agents or the quality of services it provides. Dissatisfaction may arise from any level of service provided by Council staff, Councillors, Contractors and systems, or from the impact of a particular policy or procedure.

A complaint does not include:

- Matters not related to Council staff or Councillors or services provided by Council
- A request for Council services (unless it is a second request, where there was no response to the first request)
- A request for documents, information or explanation of policy and/or procedure
- A request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first request)
- Reports of damaged/faulty infrastructure
- Reports of hazards (eg fallen tree branch)
- Reports concerning neighbours or neighbouring property (eg noise or unauthorised building works)

- The lodging of an appeal in accordance with a statutory process, standard policy or procedure (unless it is recorded as a complaint about Council's decision making)
- A submission relating to the exercise of a regulatory function (eg an objection to a development application or a submission on a policy)

Requests for information such as documents, policies, Council minutes and reports can be made to Council by completing an Access to Information form (available on Council's website or from Council's Administration building). Council provides viewing of documents, subject to consideration of relevant legislation such as privacy, without charge.

Public Officer

Council's Public Officer is charged under the Local Government Act with the responsibility of dealing with complaints from the public concerning Council's affairs. Council's Director Corporate & Business Services holds the position of Public Officer and can be contacted at Council's Administration Building, phone 6817 8800.

Lodging a Complaint

Complaints may be lodged with Council by:

- By telephone
- In person
- In writing, including fax, letter or email

Complaints must include the name, address and contact number of the complainant and a brief description of the problem.

Any members of Council staff can receive a complaint and must follow the set procedures to record and action the complaint.

If a Councillor receives a complaint, the Councillor should refer the matter directly to the General Manager in accordance with Council's Code of Conduct.

Actioning a Complaint

1. Formal acknowledgement of receipt of the complaint (in writing) must be sent within seven working days and every endeavour made to finalise them within 28 working days.
2. Complainant to be informed as to:
 - what will happen next
 - an expected timeframe for response, based on Council's performance targets
 - who will be dealing with the complaint and how they can be contacted
3. The process is to be documented through Council's records management system.
4. Complainant to be advised of any delays
5. Investigating officer to ensure any follow up action is completed.

Following Investigation of Complaint

1. Complainant to be advised of action taken to remedy the problem.
2. If there is a delay in responding to the complaint, complainant to be kept informed.
3. Ask if the complainant is satisfied and, if not, explain methods of recourse.

Anonymous Complaints

The Public Officer will determine whether an anonymous complaint will be investigated dependant upon the seriousness of the complaint and provided there is sufficient information in the complaint to enable an investigation to be conducted or whether there is a statutory requirement for identification of the complainant.

Confidentiality

Council will not disclose the identity of complainant(s), should the complainant request their details remain confidential at the time the complaint is lodged. Gilgandra Shire Council manages personal and private information collected by Council in accordance with Council's Privacy Management Plan.

Complaints that will not be Investigated

Council's Public Officer may determine that a complaint will not be investigated where that complaint:

- Is considered frivolous, vexatious or not made in good faith or concerns a trivial matter
- Involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal
- Where a matter is subject to a existing mediation process
- Relates to a decision made by a meeting of Council
- Relates to conduct before a court, coroner or tribunal
- Relates to matters under investigation by the Minster for Local Government, ICAC, the NSW Ombudsman's office, a Minister of the Crown or Government Department or the NSW Police Service
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issues
- Relates to a decision, recommendation, act or omission which is more than one year old
- Relates to a matter awaiting determination by the Council
- Relates to actions or conduct of private individuals
- Relates to a matter where there is insufficient information available
- Involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the Council.

If Council decides not to investigate a complaint, the complainant will be advised of the reason for the decision.

Complaint Handling System

Council has adopted a three-tier complaint handling management system involving:

Level 1 - Frontline complaint handling

Staff are empowered with clear delegations to resolve complaints wherever possible at first contact. Frontline staff will register all complaints and attempt resolution or referral to an appropriate person or agency to deal with (in the case of code of conduct, protected disclosures, allegations of corrupt conduct issues). Staff will record the resolution/action taken for later analysis.

Level 2 - Internal review or investigation

If a complainant is still dissatisfied, the complaint is reviewed or investigated by the Public Officer or a senior officer designated by the Public Officer or General Manager or an external reviewer where appropriate, and the results of the review are reported to the complainant.

If the complainant remains dissatisfied, further consideration should be given to options that may be available to achieve a settlement. This may include conciliation, mediation, or further direct negotiations over remedying the grievance.

Level 3 - External review

If the complaint cannot be resolved within Council, the complainant is referred to an outside agency. This may take the form of:

- Alternative dispute resolution procedure, such as mediation or conciliation.
- Complaint referred to external agency, such as the Ombudsman or Department of Local Government.
- Complainant informed of appeal procedure or other legal remedy.

Where the complaint concerns or may concern corrupt conduct, it will be reported to ICAC at the Level one stage.

Communication of this Policy

Council's Complaints Handling policy will be communicated to all interested persons as follows:

- a) By including Council's Complaints procedure on Council's website:
www.gilgandra.nsw.gov.au
- b) Training Council staff on how to provide information to customers on Council's Complaints Handling Policy.
- c) Providing all Councillors with a printed copy of the policy and including it in new Councillor induction processes.

Resources

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below:

For matters concerning corrupt conduct:

Independent Commission Against Corruption (ICAC)
 Phone: 02 8281 5999
 Toll free: 1800 463 909
 Facsimile: 02 9264 5364
 Email: icac@icac.nsw.gov.au
 Web: www.icac.nsw.gov.au
 Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For matters concerning maladministration or related to child abuse:

NSW Ombudsman
 Phone: 02 9286 1000
 Toll free: 1800 451 524
 Facsimile: 02 9283 2911
 Email: nswombo@ombo.nsw.gov.au
 Web: www.ombo.nsw.gov.au
 Address: Level 24, 580 George Street, Sydney NSW 2000

For matters concerning discrimination, disability and harassment:

Anti-Discrimination Board
 Phone: 02 9268 5555
 Toll Free: 1800 670 812
 Facsimile: 02 9268 5500
 Address: PO Box A2122, SYDNEY SOUTH NSW 1235

For matters concerning a serious breakdown in Council's operations, if the Council as a whole is not operating satisfactorily or pecuniary interest matters:

Division of Local Government in the Department of Premier and Cabinet
 Phone: 02 4428 4100
 Tel. typewriter (TTY): 02 4428 4209
 Facsimile: 02 4428 4199
 Email: dlg@dlg.nsw.gov.au
 Web: www.dlg.nsw.gov.au
 Address: 5 O'Keefe Avenue, NOWRA NSW 2541

For matters concerning competitive neutrality complaints:

Australian Competition and Consumer Commission
 Phone: 02 9230 9133
 Facsimile: 02 9232 6107
 Address: Level 7, Angel Place 123 Pitt Street (GPO Box 3648) SYDNEY NSW 1044

For breaches of the GIPA Act:

Information Commissioner
 Toll free: 1800 463 626
 Facsimile: 02 8114 3756
 Email: ocinfo@oic.nsw.gov.au
 Web: www.oic.nsw.gov.au
 Address: Level 11, 1 Castlereagh Street, SYDNEY NSW 2000

For breaches of the Privacy and Personal Information Act 1998:

Privacy NSW
 Phone: 02 8019 1600
 Facsimile: 02 8114 3755
 Email: privacyinfo@privacy.nsw.gov.au
 Address: Level 11, 1 Castlereagh St (GPO Box 7011) SYDNEY NSW 2000

For complaints related to Carlginda Enterprises:

FaHCSIA (Families and Housing, Community Services, Indigenous Affairs)
Level 9, 280 Elizabeth Street
SURRY HILLS NSW 2010

or

Complaints Resolution and Referral Service (CRRS)
Locked Bag 2705
STRAWBERRY HILLS NSW 2012
FREE CALL 1800 880 052
Fax: 0293 181 372
Email: crrs@pwd.org.au
Web: www.crrs.org.au

For complaints related to Orana Lifestyle Directions:

ADHC (Ageing, Disability and Home Care)
Level 1, 130 Brisbane Street
DUBBO NSW 2830.
Phone: 6841 1500

or

Community Services Commission
Locked Bag 16
STRAWBERRY HILLS NSW 2012
Phone: (02) 9384 4999
Fax: (02) 9384 4948
Email: mail@csc.nsw.gov.au
Web: www.csc.nsw.gov.au

For complaints about Aged Care:

Aged Care Complaints Scheme
Stakeholder Relations Section
MDP451
Department of Health and Ageing
GPO Box 9848
CANBERRA ACT 2601

Email: agedcomplaintscomms@health.gov.au
Web: www.agedcarecomplaints.govspace.gov.au

Relevant Legislation

ICAC Act 2005
Local Government Act 1993
Protected Disclosures Act 1994
Privacy and Personal Information Protection Act 1993
Government Information Protection Act (GIPA) 2009

Associated Documents

Nil

Responsible Officer:	General Manager		
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