

## Complaints Handling Policy

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#### 1. **Scope**

This Policy applies to members of the public who wish to lodge a complaint in regard to Council's services and performance. Furthermore, the Policy also applies to a Council Official (Councillors, Administrators, members of staff of Council, Council Committee members, Conduct Reviewers and Delegates of Council) who lives in the City of Parramatta local government area and wish to make a complaint in their private capacity.

Where relevant, a complaint regarding a Council Official will be considered in accordance with Council's Code of Conduct and the associated procedure.

#### 2. **Purpose**

This Policy will facilitate a consistent, fair, transparent and equitable resolution to customer complaints made to Council.

This Policy:

- Provides a framework for managing complaints from the public in a fair and consistent manner, as a means of improving customer service in all areas of Council's operations;
- Ensures that issues which are the subject of complaints are addressed promptly and in a manner which, as far as possible, ensures that such issues will not be the subject of future complaints;
- Ensures that all complaints are investigated thoroughly; and
- Provides transparency and awareness to the community regarding Council's complaints policy and procedures

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Through this Policy, Council will:

- Recognise the customers right to raise concerns about their dealings with Council;
- Establish a complaint management process that is open, consistent, fair and transparent, ensuring that all complaints are well documented and publicly available;
- Ensure complaints are dealt with professionally, within specified timeframes and complainants are kept informed;
- Improve public confidence that complaints will be dealt with and that relevant legislation, regulations and Council policies, including the Code of Conduct, will be enforced;
- Recognise the importance of complaints in providing feedback about Council's services and performance to ensure accountability and utilise such information to improve services and identify appropriate training needs; and
- Outline Council's approach to managing unreasonable complaint conduct.

This Policy forms part of Council's Code of Conduct framework and ensures the appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

### **3. Policy**

#### **3.1 Complaint Management Framework**

Council is committed to achieving best practice in delivering services to the community. To succeed, Council needs to ensure that any complaints received are dealt with courteously, investigated thoroughly through transparent processes, and resolved quickly and appropriately.

Council has followed the NSW Ombudsman's Guidelines and model approach to implementing a Complaint Management Framework and procedures that will allow Council to:

- Respond effectively and positively to complaints received; and
- Manage complaints in a manner that endeavours to provide satisfaction to complainants

The components of the Complaints Management Framework are:

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### 3.2 Making a complaint

#### 3.2.1 - How to make a complaint

It is Council's preference that complaints are made in writing, in accordance with this Policy and its three-tier approach. Initially, a complaint is made in the first instance (the first tier) to Customer Contact Centre. If the complainant is not satisfied with the outcome, then the complainant can write to the Internal Ombudsman (the second tier) outlining their concerns about the handling of their complaint or the outcome of their complaint. If the complainant is not satisfied with the outcome at the second tier, than a further complaint may be sent to an external agency (the third tier).

In situations where complaints are made directly to Councillors rather than Council officers, Councillors are required to forward the complaint to the Chief Executive Officer to be dealt with in accordance with this Policy and procedures.

#### 3.2.2 - Anonymous complaints

Where appropriate, Council will record anonymous complaints and act on them where the matter is of a serious nature, or where there is sufficient information provided at the time the complaint is lodged. For issues related to Council's assets and services, an inspection or investigation will be carried out. For other issues, further investigation of anonymous complaints will be undertaken at the discretion of the responsible officer where sufficient information has been provided.

#### 3.2.3 - Assistance in making a complaint

If a person prefers or needs another person or organisation to assist or represent

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them in the making and/ or resolution of their complaint, Council will communicate with them through their representative if this is their wish. Anyone may assist/or 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).

### 3.3 Facilitating complaints

#### 3.3.1 - What is a complaint

A complaint is an expression of dissatisfaction made to or about Council's services and performance, the conduct of a Council official, or dissatisfaction with the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. This includes dissatisfaction with the outcome of a decision, undue delay in a decision or action, level or quality of service, the failure to adhere to a policy or procedure, dissatisfaction with an administrative process or behaviour of Council official , which can be investigated and acted upon.

#### 3.3.2 - What is not a complaint

A complaint covered by this Policy can be distinguished from:

- staff grievances [see Grievance Handling Policy];
- public interest disclosures made by our staff [see Public Interest Disclosures Policy];
- code of conduct complaints [see 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];
- requests for information [see Council's Access to Information Policy];
- Feedback - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council, about Council's services or complaint handling where a response is not explicitly or implicitly expected or legally required; and
- Service requests - the definition of a service request includes:
  - requests for the provision of services and assistance

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- requests for repairs to infrastructure or remove hazards
- requests for approval
- requests for action
- routine enquiries about the organisation’s business
- reports of failure to comply with laws regulated by the organisation
- requests for explanation of policies, procedures and decisions.

A complaint is not:

- An expression of disagreement with a lawfully made decision by Council;
- An appeal or representation against a decision by Council, other than that made as the result of a complaint;
- The lodging of an appeal or objection in accordance with a statutory process, procedure or policy (e.g. Objections to a development application, submissions on an exhibited policy);
- A matter where the issue is outside Council's area of responsibility, or the responsibility of another authority or service provider;
- Reports of hazards (such as fallen trees) or damaged / faulty infrastructure (eg. reports of potholes); and
- The dissatisfaction in relation to a development application by a development applicant, or an objector to an application, with the determination made.

### 3.3.3 - Making a complaint

Complainants who wish to make a complaint to Council will:

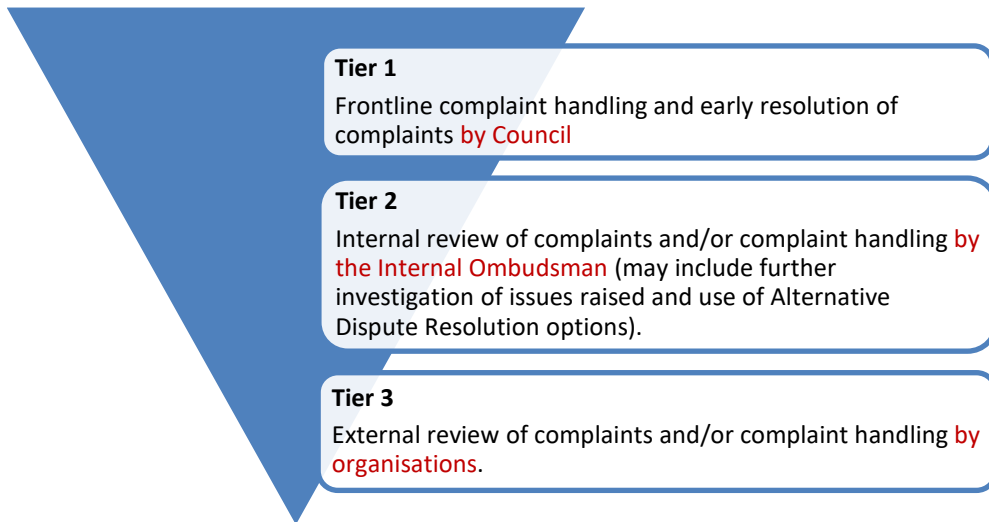
- Be provided with information about our complaint handling process;
- Be provided with accessible ways to make complaints;
- Be listened to and treated with respect by staff and actively involved in the complaint process where possible and appropriate;
- Not be adversely affected because a complaint has been made by them or on their behalf; and
- Be provided with reasons for our decisions and any options for redress or review in a timely manner.

Making a complaint to Council is free.

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### 3.4 Responding to complaints

Council has adopted a three-tier approach in responding to complaints.



#### Tier 1

Council aims to resolve complaints promptly, by the responsible section of Council. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision. The first level of complaint handling will provide for the following:

- A prompt acknowledgement of the complaint and an explanation of the process;
- The expected timeframe for dealing with the complaint;
- The progress of the complaint and reasons for any delay; and
- An outcome.

#### Tier 2

Where a complaint is not resolved at Tier 1, the complainant may complain to the Internal Ombudsman Shared Service (IOSS), who will assess the complaint in line with its Governance Charter to determine whether it is a matter it will investigate. The complaint may then be investigated by the IOSS, or by an investigator appointed by the Internal Ombudsman. This second level of complaint handling

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will provide for the following:

- A prompt acknowledgement of the complaint and an explanation of the complaints process;
- The expected time frame for dealing with the complaint;
- An assessment and possible investigation of the complaint and decision already made;
- The progress of the complaint and reasons for any delay; and
- An outcome (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties and provides reasons for our decision/s and any options for redress or review).

The IOSS provides complainants with an independent body to review complaints about Council’s administrative conduct, unethical behaviour, misconduct or maladministration. Allegations made to the IOSS about corrupt conduct will be referred to the Independent Commission Against Corruption as required by law.

The IOSS can only investigate a complaint if it has been firstly reviewed or investigated in accordance with this Policy. Matters within the IOSS’ jurisdiction include:

- All Council administrative processes;
- Delay / inaction in relation to a Council decision (but not the decision itself);
- Failure to comply with Council’s policies, including the Code of Conduct; and
- Poor administration and unreasonableness.

In some circumstances in which the complaint is serious, the IOSS may commence its enquiries in relation to a complaint prior to it being investigated at Tier 1 level of this Policy. The CEO may also refer a complaint directly to the IOSS without having being investigated at Tier 1.

The IOSS is unable to investigate when:

- The complaint has not been considered at the first tier of this Policy (except when it involves a serious complaint);
- There is insufficient information provided about the complaint;
- The complaint does not relate to a Council function;
- The complainant had knowledge of the matter for more than three months without taking any action;
- The nature of the complaint requires that it is referred to an external

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organisation such as the NSW Ombudsman, the Independent Commission against Corruption or the Office of Local Government;

- The complaint is of low priority or resources are not available; and
- The complaint is frivolous, vexatious, not made in good faith or concerning a trivial matter.

Investigating officers will address complaints with integrity in a fair and reasonable, equitable, objective and unbiased manner.

Where relevant, a complaint regarding a Council official will be reviewed in accordance with Council's Code of Conduct and the associated procedure.

Further information about the role of IOSS is available on Council's website.

### Tier 3

Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint and the review conducted by the IOSS, they may seek an external review of the decision through an external body such as the NSW Ombudsman, Office of Local Government or the Independent Commission Against Corruption.

### 3.5 Managing complaints involving a Child

Council upholds and promotes the safety and wellbeing of children and young people in our community and Council recognises that Child Protection is everybody's business.

Complaints and allegations against Council officials, contractors and sub-contractors, work experience participants, volunteers, students on placement, facility hirers and leasees involving a child or young person will be handled by the IOSS in accordance with the relevant legislation, specifically the *Children's Guardian Act 2019*.

### 3.6 Managing the parties to a complaint

To ensure a consistent approach, Council's Customer Contact Centre will be responsible for managing complaints in accordance with this Policy, including complaints concerning Council's external service providers and/or its contractors.

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

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 Council’s Privacy Management Plan, with an individual’s consent or under any other relevant legislative requirement.

### 3.7 Complaints involving multiple parties

When similar complaints are made by related parties, Council will arrange communication with a single representative of the group with the consent of those involved.

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, consistent 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 Council, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated by Customer Contact Centre in accordance with this Policy.

Where Council services are contracted out, Council expects contracted service providers to have an accessible and comprehensive complaint management system and to comply with Council’s Code of Conduct in the performance of their functions. Council takes complaints not only about the actions of our staff but also the actions of service providers.

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### 3.8 Unreasonable Complainant Conduct

Council is committed to being accessible and responsive to all people who provide feedback or make complaints. At the same time, Council's success depends on:

- the ability to do its work and perform functions in the most effective and efficient way possible
- the health, safety and security of all staff
- the ability to allocate resources fairly across all the complaints it receives.

When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of Council's work. As a result, the Chief Executive Officer will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council staff, and will support all staff to do the same in accordance with this Policy.

Council uses the NSW Ombudsman's Managing Unreasonable Complainant Conduct Practice Manual as a guide for both identifying unreasonable conduct and establishing strategies to address that conduct.

Unreasonable Complainant Conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the organisation, staff, other service users and complainants and includes the complainant themselves.

UCC can be divided into five categories of conduct:

a) **Unreasonable persistence**

Examples may include, without limitation, persisting with the complaint once all three tiers of complaint handling have been applied, reframing complaints in an attempt to have them reconsidered, demanding reviews without justification, or persisting in wanting to know where to go next when there are no further avenues.

b) **Unreasonable demands**

Examples may include, without limitation, insisting on demands that are unattainable, demanding an apology or compensation when such would be unreasonable in the circumstances, issuing instructions or demands about how a complaint ought to be handled, or making unreasonable demands on resources.

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**c) Unreasonable lack of cooperation**

Examples may include, without limitation, presenting a large quantity of disorganized material, refusing to define the issues of a complaint, changing the complaint while it is in the process of being considered, or withholding information or presenting material in a selective manner.

**d) Unreasonable behaviour**

Examples may include, without limitation, displaying rude or confronting behaviour, making threats of self-harm or of harm to others, or sending rude, confronting or threatening letters.

**e) Unreasonable arguments**

Examples may include, without limitation, insisting on the importance of a matter which is trivial, holding irrational beliefs or seeing cause and effect where there is none, or presenting "conspiracy theories" unsupported by evidence.

When complainants behave in ways Council considers to be unreasonable complainant conduct, that is they:

- become aggressive and verbally abusive towards Council staff
- threaten harm and violence
- inundates Council offices with unnecessary and excessive phone calls and emails
- make inappropriate demands on Council's time and resources
- refuse to accept Council decisions and recommendations in relation to their complaints
- submit offensive comments through Council's social media.

Council may consider limiting or adapting the ways it interacts with and/or delivers services to complainants by placing restrictions around their interactions with Council staff. Such restrictions may include:

*Type of contact:*

*Example of restriction:*

Who they have contact with

Limiting a complainant to a sole contact person/staff member.

What they can raise with us

Restricting the subject matter of communications that Council will consider and respond to.

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When they can have contact	Limiting a complainant's contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact.
Where they can make contact	Limiting the locations where Council staff will conduct face-to-face interviews to secured facilities or areas of the office.
How they can make contact	Limiting or modifying the forms of contact that the complainant can have with Council. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to Council premises, contact through a representative only, taking no further action or terminating services altogether.

When using these restrictions, Council recognises that discretion will need to be used to adapt them to suit a complainant's personal circumstances, level of competency, literacy skills, and other relevant issues. In this regard, Council also recognises that a combination of strategies may need to be used in individual cases to ensure their appropriateness and efficacy.

Abusive or threatening complainant conduct limits Council's capacity to resolve a complainant's concerns and will not be tolerated. In any interaction with members of the community where personal abuse or vulgar language is used, the communication may be terminated immediately at the discretion of the subject employee. If face to face, the employee may walk away. If on a telephone, the employee may terminate the call. If in email, future e-mails from the sender may be blocked. If in correspondence, offending letters will be returned to the sender and not acted upon.

Where safe to do so, an employee will advise the complainant that they are terminating communication, and will not discuss the matter further, prior to terminating the communication.

If the employee feels threatened by the language or behaviour of the complainant, the police shall be notified.

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## 4 Related documents

### 4.1 Legislation

- *Local Government Act 1993*
- *Ombudsman Act 1974*
- *Children's Guardian Act 2019*
- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1998*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 1994*

### 4.2 Related Documents

- Code of Conduct
- Procedures for the Administration of the Model Code of Conduct
- Grievance Handling Policy
- Access to Information Policy
- Privacy Management Plan
- Public Interest Disclosures Policy
- Complaints Management in Councils: A joint publication by the NSW Ombudsman and the Department of Local Government (July 2009)
- Effective Complaints Handling Guidelines 2nd Edition, Ombudsman New South Wales (December 2010)
- Complaints Management Framework, Ombudsman New South Wales (June 2015)
- Managing Unreasonable Complainant Conduct Manual – NSW Ombudsman (May 2012)
- Internal Ombudsman Shared Service Governance Charter
- Royal Commission into Institutional Responses to Child Sexual Abuse Final Report
- Child Safe Standards

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