



Complaints Handling

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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 is also applicable should 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 wish to make a complaint in their private capacity as a member of the public.

For the purpose of this Policy, a complaint is any expression of dissatisfaction with the service provided by City of Parramatta Council. This may include:

- An issue with the quality and range of services provided
- Failure to meet a service standard
- A Council policy or procedure not being followed
- The conduct of an employee, service provider or agent.

General requests to address certain infrastructure and/or operational issues, will be dealt with in accordance with Council's standard operating procedures.

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

2. Purpose

The Complaints Management Policy will facilitate a consistent, fair and equitable resolution to customer complaints made to City of Parramatta Council (Council) at the earliest opportunity and in the most efficient, prompt and professional manner.

This Policy:

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- Provides a framework for managing complaints from the public, 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 validity of a complaint is ascertained through proper investigation
- Provides transparency and awareness to the community regarding Council's complaints policy and procedures

The objectives of this Policy are to:

- Recognise the customers right to raise concerns about their dealings with Council
- Establish a complaint management process that is well documented and publicised
- 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 will be enforced
- Recognise the importance of complaints in providing feedback about Council's services and performance, and utilise such information to improve services and identify appropriate training needs

The Complaints Handling 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, and resolved quickly and appropriately.

To ensure best practice, 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.
- Manage complaints in a manner that endeavours to provide satisfaction to complainants

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The components of the Complaints Management Framework are:



3.2 Making a complaint

3.2.1 - How to make a complaint

It is Council's preference that complaints made to Council in accordance with this Policy are made in writing to the internal Ombudsman, Chief Executive Officer, Complaints Coordinator or Customer Service.

In situations where complaints are made directly to Councillors rather than Council officers, the Councillor is 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 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 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

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3.3.1 - What is a complaint

A complaint is an expression of dissatisfaction made to or about Council's services, staff or 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, level or quality of service, the failure to adhere to a policy or procedure, or behaviour of an employee or agent, which can be investigated and acted upon.

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], and
- 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.
- Service request - the definition of a service request includes:
 - requests for approval
 - requests for action
 - routine inquiries about the organisation's business
 - requests for the provision of services and assistance
 - reports of failure to comply with laws regulated by the organisation
 - requests for explanation of policies, procedures and decisions.

3.3.2 What is not a complaint

- An expression of disagreement with a lawfully made decision.
- An appeal or representation against a decision, 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 complaint against a member of the public, such as a complaint about a neighbour barking dog, unauthorised building work, noise etc.
- A matter where the issue is the responsibility of another authority or service

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provider.

- Reports of hazards (such as fallen trees) or damaged / faulty infrastructure (eg. Reports of potholes)
- The dissatisfaction of 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
- Be provided with reasons for our decisions and any options for redress or review

Where a customer contacts Council to request a service or advise of any infrastructure fault or hazard (e.g. fallen trees), such requests will be processed in Council's Customer Request Management System and is not considered a formal complaint under this Policy.

Making a complaint to Council is free

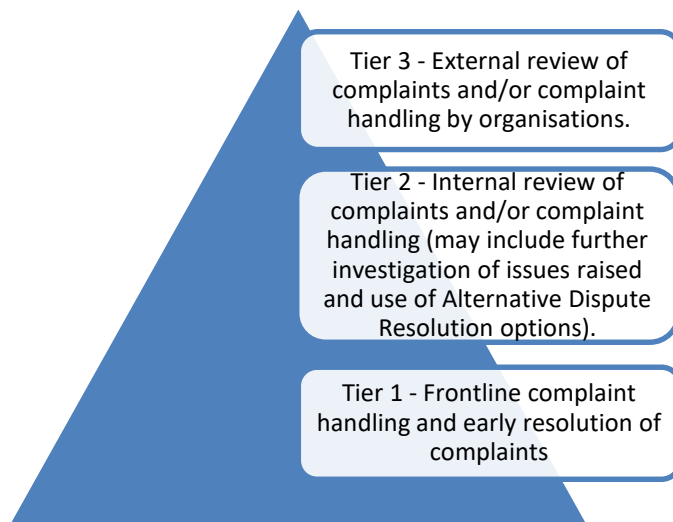
3.4 Responding to complaints

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

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Tier 1

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

Tier 2

Where tier 1 is not possible, the complaint may be escalated to a Senior officer for investigation, or to an investigator appointed by Council or the internal Ombudsman. This second level of complaint handling 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
- 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)

Investigating officers will address complaints with integrity in an 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 associated procedure.

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Tier 3

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 the decision through an external body such as the NSW Ombudsman, Office of Local Government or the Independent Commission Against Corruption.

3.5 Managing the parties to a complaint

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

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 and any other relevant confidentiality obligations.

Complaints involving multiple parties

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

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 Council, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where Council services are contracted out, Council expect contracted service providers to have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of our staff but also the actions of service providers.

3.6 Unreasonable Complainant Conduct

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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, Council 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.

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.

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.

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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:

<i>Type of contact:</i>	<i>Example of restriction:</i>
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.
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

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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.

4.0 Related documents

4.1 Legislation

- *Local Government Act 1993*
- *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
- Complaint Management Guidelines
- Privacy Management Plan
- Public Interest Disclosures Policy

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- 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)

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