

Complaints

Purpose

To provide guidance on the management of complaints that facilitates a consistent, fair and equitable process for resolution.

Scope

Any member of the public, including a member of staff can lodge a complaint in accordance with this Policy.

Any staff member or Councillor can accept a complaint which will be referred to the relevant Council officer for action. Complex or serious complaints should be made in writing directly to the General Manager with the exception of complaints about the General Manager, which should be addressed to the Mayor.

Definitions

| Term | Meaning |
|---------------------------|---|
| Standard Complaint | <p>This Policy applies to complaints covered by the following definition.</p> <p><i>A complaint is generally an expression of dissatisfaction with Council's policies quality of service or follow up communication. It includes dissatisfaction with the outcome of a decision, level or quality of service, the failure to adhere to a policy or the behaviour of an employee or agent that can be acted upon.</i></p> |
| Formal Complaint | <p><u>Complaints about Staff or Councillor Conduct</u></p> <p>If the complaint alleges that a staff member or Councillor has breached the Code of Conduct it will be dealt with in accordance with the provisions of the Department of Local Government's Model Code of Conduct November 2015) which has been adopted as Council's Code of Conduct.</p> <p><u>Anonymous Complaints</u></p> <p>These complaints will only be dealt with where the matter is considered to be serious and there is sufficient information provided in the complaint to enable an investigation to be conducted.</p> <p><u>Maladministration or Serious and Substantial Waste</u></p> <p>These matters should be reported to the General Manager who has a duty to report such matters to the NSW Ombudsman.</p> <p><u>Corrupt Conduct</u></p> <p>A complaint related to unethical conduct, fraud or corruption is to be reported directly to the General Manager who has an obligation to notify the Independent Commission Against Corruption (ICAC).</p> <p><u>Criminal Conduct</u></p> <p>A complaint involving criminal activity is to be reported to the General Manager for referral to the NSW Police.</p> |

Competitive Neutrality

This is the concept of 'level playing field ' for all businesses. Where Council competes in the market place it should do so without utilising its public position to gain an unfair advantage over a private sector competitor. Complaints regarding Competitive Neutrality are to be referred to the General Manager

Information Access

Complaints regarding access to information held by Council under the Government Information (Public Access) Act 2009 should be made to Council's Public Officer.

Staff Working with Children

Complaints against staff working directly with children should be reported to the General Manager and will be handled in accordance with relevant legislation.

Other Matters

The following are not considered complaints under this Policy and as such are not covered by this Policy.

- Requests for service eg collection of waste, repairing of potholes or clearing of drains
- Reports of hazards eg fallen trees
- Requests for information or explanation of policies, procedures or decisions of Council
- Concerns about neighbours or neighbouring properties eg barking dogs, unauthorised works
- An objection to a Council decision
- Submissions relating to an item on public exhibition or a notification
- An internal grievance

Council's Commitment

Council welcomes complaints as an opportunity to improve its services and performance, it views every complainant as its customer and is committed to:

- providing a system of recording complaints;
- listening to what the customer has to say;
- seeking to understand what the customer wants;
- respecting the customer and recognising that they are always our customer;
- providing an explanation to the customer;
- considering all aspects of the complaint including possible solutions and the impact of those on the wider community; and
- taking action, if required, within a reasonable timeframe and keeping the customer informed.

Lodgement of Complaints

Complaints can be made by any of the following means:

- email - to council@yass.nsw.gov.au
- mail – in writing to the General Manager, Yass Valley Council, PO Box 6, Yass NSW 2582, except where the complaint is about the General Manager, and should be in writing to the Mayor
- in person – to a staff member at 209 Comur Street, Yass
- by telephone – call 6226 1477

To enable a proper response, complainants should give their name, address, telephone number and a brief description of the complaint. This personal information is restricted to Council officers who may require the information to investigate or respond to the complaint. The provision of personal information is voluntary, however, Council may not be able to properly investigate a complaint if it cannot obtain further information from a complainant.

Timeframe for Standard Complaint Handling

| Timeframe | Action |
|----------------|---|
| Immediate | Complaints lodged by phone and 'in person' will be acknowledged at time of receipt. |
| Within 1 day | All complaints will be recorded in Council's electronic document management system. |
| Within 5 days | Written or electronic complaints - the staff member dealing with the complaint will provide acknowledgement and aim to give a timeframe for resolution of the matter where it is complex or requires investigation. |
| Within 15 days | Council will aim to address the full complaint or keep the complainant informed of progress. For long and complicated issues updates will be provided at regular intervals |

Timeframe for Formal Complaint Handling

| Timeframe | Action |
|-----------|--|
| Immediate | Dealt with in accordance with the Model Code of Conduct for Local Councils in NSW and the Model Code Procedures as adopted by Council. |

Unreasonable Complainant Conduct

Unreasonable complainant conduct is any behaviour by a complainant which, because of its nature or frequency raises substantial health, safety or resource issues for the organisation or staff. Such conduct can be categorised as unreasonable persistence, unreasonable demands, unreasonable lack of co-operation, unreasonable arguments or unreasonable behaviour. Council's strategy will depend on the circumstances of the unreasonable conduct but may include terminating unproductive conversations, refusing to respond to correspondence on issues that have been previously addressed or requiring contact with a specific officer only or via a particular form of communication. Reference should also be made to Council's CA-POL-05 – Unreasonable Conduct by Customer policy.

Abusive or Threatening Complainants

Abusive and threatening behaviour by complainants will not be tolerated. Where personal abuse or vulgar language is used the communication may be terminated at the discretion of the subject employee and may involve the employee walking away from the complainant, termination of a telephone call, blocking future emails from the sender or returning offending letters to the sender unanswered.

Complainant Rights of Appeal

Internal Review - should the complainant be dissatisfied with the handling or determination of a complaint, they will be provided with the relevant information regarding rights of appeal and may request that an internal review of the complaint be conducted.

External Review – should the complainant be dissatisfied with the internal review they will be provided with the relevant information regarding rights of appeal and may seek a review by the:

- NSW Ombudsman on 1800 451 524 or at www.ombo.nsw.gov.au - for complaints about the conduct of staff, enforcement matters and the administrative conduct of Council itself.
- Independent Commission Against Corruption (ICAC) on 1800 463 909 or at www.icac.nsw.gov.au - for complaints that a Council official has acted corruptly.
- Office of Local Government (OLG) on 4428 4100 or at www.olg.nsw.gov.au - for complaints about the overall functioning of Council, pecuniary interest issues, tendering or Councillor misconduct

Confidentiality

Council will ensure that confidentiality is maintained in regard to complaints received. Personally identifiable information concerning a complainant will be used for the purposes of addressing and resolving the complaint only. The complainant's name will not be released to the person who is the subject of the complaint without their consent and subject to privacy legislation and public interest principles of *Government Information (Public Access) Act 2009*.

Council will take all care that reporting of complaints about Council activities will not result in the complainant experiencing any form of victimisation or retribution as a result of the complaint.

Responsibilities & Review

The Governance Business Unit will

- Provide all necessary administrative support for the operation of this policy
- Develop and document any procedures for the effective implementation of this policy
- Review this policy every four years. The next review date is January 2025.

References

This policy is to be read in conjunction with the following:

| | |
|--|--|
| Legislation Policies and procedures | Model Code of Conduct for Local Councils in NSW 2020 – OLG |
| | Effective Complaint Handling Guidelines, February 2017 - NSW Ombudsman |
| | CA-POL-05 Unreasonable Conduct by Customer |
| | GOV-OP-07 Complaints Handling Procedure |
| | GOV-POL-18 Recordkeeping – Councillors |
| | Customer Service Charter |

Approval History

| Stage | Date | Comment | MagiQ Reference |
|-----------------------|-------------------|--------------------------|-----------------|
| Review | 10 March 2010 | Special Planning Meeting | Min 78 |
| Adopted | 13 June 2012 | Special Planning Meeting | Min 248 |
| Exhibition & Adoption | 27 November 2013 | Council Meeting | Min 383 |
| Review | 25 May 2016 | Council Meeting | Min 126 |
| Review | 26 September 2018 | Council Meeting | Min 210 |
| Review | 27 January 2021 | EMT (Minor adjustment) | Doc ID 266507 |

Ownership and Approval

| Responsibility | Role |
|----------------|----------------------------|
| Author | Corporate Projects Officer |
| Owner | Manager of Governance |
| Endorser | EMT |
| Approver | Council |
| | |