

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 1 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

COMPLAINTS HANDLING POLICY

INTRODUCTION

The objective of this policy is to establish clear guidelines and procedures for handling complaints to enable Council to be in a stronger position to improve services.

POLICY STATEMENT

Ashfield Municipal Council welcomes the opportunity complaints give to identify areas of services that need improvement, to respond to and resolve individual dissatisfaction and to strengthen the relationship between Council and the community.

Council guarantees to:

- Deal with complaints in accordance with its *Complaints Handling Policy*
- Widely publicise the existence of Council's *Complaints Handling Policy*
- Encourage members of the public dissatisfied with Council's conduct to lodge complaints (and facilitate such action by making complaint and feedback forms freely available at One Stop)
- Ensure that complainants who are dissatisfied with the outcomes of their complaint and remain dissatisfied are offered a review by a more senior officer
- Advise complainants of their right to complain to the Ombudsman, (if the matter relates to pecuniary interest issues or alleges a serious breakdown in Council's operations) the Department of Local Government or (if these are reasonable grounds to suspect corrupt conduct), the Independent Commission Against Corruption
- Deal with protected disclosures in accordance with its *Internal Reporting Policy*
- Regularly report publicly on the outcome of complaints, using this information to identify and rectify deficiencies in Council's services

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 2 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

HANDLING COMPLAINTS

This section outlines:

- Procedures for handling complaints depending on their seriousness and complexity
- System of keeping the complainant informed on what is happening
- Appropriate redress provided where there is substance to the complaint
- Clearly defined areas of responsibility
- Method for reviewing complaints

Council provides three stages of review of complaints:

1. Receiving, registering, recording and resolving complaints by staff. If the complaint is justified, Council will try to explain the problem and outline what Council is doing to resolve the matter. Complainants will be told of their options at this stage when lodging their complaint where the complaint cannot be resolved within Council. This may involve telling the complainant about the right to make a complaint to another public sector agency to seek resolution.
2. Once Council has dealt with the complaint, if a complainant remains dissatisfied, they are entitled to have the complaint reviewed in a timely fashion, by a more senior officer or by the elected Council. At this stage review requests should be put in writing by the complainant and specify the reason(s) why they remain dissatisfied.

If further compelling information comes to the attention of the complainant then, irrespective of whether the matter has been reviewed, complainants are entitled to have the matter looked at again.

3. If the complainant still remains dissatisfied following a review the complainant can complain to the NSW Ombudsman, the ICAC or the Department of Local Government.

Responsibility for Dealing with Complaints

In the first instance it is the responsibility of all staff to deal with complaints.

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 3 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

Senior Officers or the elected Council are designated to deal with reviews of complaints.

In accordance with the *Local Government Act 1993* the Public Officer may be given the overall responsibility for managing the complaints system. This person ensures the system works and produces regular updates on the number and kinds of complaints.

Special Cases

Council has provisions for investigating and reporting on, or otherwise dealing with, certain special types of complaints including:

- complaints about breaches of the code of conduct,
- complaints about conflict of interest issues,
- complaints about breaches of the pecuniary interest provisions of the Local Government Act,
- protected disclosures, and
- complaints or information giving rise to a suspicion on reasonable grounds of corrupt conduct and thereby notifiable to the ICAC.

In all these instances all staff must report such allegations to the General Manager.

Complaints Alleging Pecuniary Interest

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another with whom the person is associated.

The *Local Government Act 1993* requires that:

“pecuniary interests of councillors, council delegates and other persons involved in making decisions or giving advice in council matters be publicly recorded and requires councillors and staff to refrain from taking part in decisions on council matters in which they have a pecuniary interest.”

Special provisions have been made under the Act to investigate and resolve complaints involving pecuniary interest. Complaints should be made in writing to the Director-General of the Department of Local Government, identifying the complainant and the person against whom the complaint is made, giving particulars of the complaint, and be verified by statutory declaration.

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 4 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

Complaints Alleging Corrupt Conduct

The Independent Commission Against Corruption (ICAC) Act 1988, defines corrupt conduct as dishonest or partial exercise of an official function by a public official. It must involve:

- A criminal offence under NSW law or any other law which could apply in the particular circumstances; or
- A disciplinary offence which could lead to disciplinary action under any law including regulations; or
- Reasonable grounds to terminate or dismiss the services of a public official.

If a complaint concerns alleged corrupt conduct the General Manager must be notified. Under the Act the General Manager must then report the matter to the Independent Commission Against Corruption.

Complaints Alleging Criminal Action

Complaints involving criminal action must be automatically referred to the police.

Complaining to the NSW Ombudsman, the Department of Local Government or the ICAC

If a complaint and any subsequent review do not resolve the matter, complainants can complain to:

- The NSW Ombudsman (if the matter concerns maladministration),
- The Department of Local Government (if the matter concerns a serious breakdown in Council's operations, if Council as a whole is not operating satisfactorily or the matter relates to pecuniary interest matters), or
- The ICAC (if the matter concerns corrupt conduct).

Information about these agencies is available at One Stop.

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 5 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

RESPONDING TO COMPLAINTS

Council staff assist the complainant in the case of very straightforward, minor complaints as quickly as possible. In the case of more serious complaints staff direct the complaint to the most suitable authority either within Council or in another agency.

The following steps are taken when responding to any complaint:

When the complaint is in writing:

- The complaint is promptly acknowledged (by phone or letter) within 7 days with either a response to the complaint or an initial acknowledgement with an explanation of:
 - What will happen next, and
 - Who will be dealing with the matter including the officer's name and position and how they can be contacted
- The necessary follow up action is taken
- If the complaint requires investigation, the complainant will be told and kept informed at regular intervals.
- The complainant will be provided with a final response to a straightforward or minor complaint within 7 days. In the case of more serious complaints handled by Council, staff will respond to a complaint within 4 weeks.

When the complaint is via telephone or face to face:

- A record will be made of it
- That record will be checked back with the complainant
- An explanation will be provided of what will be done about the complaint by informing the complainant of what will happen next and who will be dealing with the matter including the officer's name and position and how they can be contacted
- The necessary follow up action is taken

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 6 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

- If the complaint requires investigation, the complainant will be told and kept informed at regular intervals.
- The complaint is provided within 7 days with a response (by phone or letter) to a straightforward or minor complaint. In the case of more serious complaints handled by Council, staff will respond to a complaint within 4 weeks.

Dealing with Angry Complainants

- Remain calm and respectful: greet the person, introduce yourself and, if possible, ask them to sit down
- Use a low, calm tone of voice
- Speak at a similar pace to the complainant and try to gradually slow down that pace
- Listen: do not intervene too quickly, allow the person a chance to ‘blow off steam’
- Show you are open to their point of view and use active listening skills (such as maintaining eye contact, nodding the head and using other open body language)
- Acknowledge the person’s anger without encouragement, diagnosis or criticism
- Paraphrase and summarise what the person is saying by picking out the key points and repeating them (this shows that you have heard and understood what has been said)
- Agree with the person: without assuming any blame, listen for things that you can agree with ie “You are rights, that is what should happen” or “Yes, I can see how that must make you feel frustrated”
- Do not debate the facts while the person still feels angry
- Ensure the person understand what you are saying: avoid jargon and legalese in particular

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 7 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

WHAT ARE THE RESPONSIBILITIES OF MEMBERS OF THE COMMUNITY?

This section outlines what are the responsibilities of members of the community in their dealings with Council.

Publicising a Grievance

Members of the community who do not believe Council has fulfilled any of its commitments have the option of attempting to draw attention to their grievance in the community. This may involve writing to newspapers, contacting media or distributing leaflets explaining the grievance.

However, in a running a publicity campaign, members of the public need to be aware of the need to abide by the laws of defamation.

Appropriate Behaviour

Council recognises and accepts as part of customer behaviour that sometimes, members of the local community may be angry when they deal with Council.

Communication is a two-way process. To be effective, both Council and the public should strive to adopt a fair and reasonable approach to communicating with each other. When communicating with Council, members of the public will as far as possible in the circumstances:

- Focus their dissatisfaction on the conduct or performance of Council, Councillors and/or staff members rather than on personal criticism of Councillors and/or staff
- Behave appropriately, avoiding the excessive use of abusive language and/or threatening behaviour
- Provide Council with all relevant information in order that their opinion , concern or complaint can be readily understood
- Accept that Council operates under resource constraints, noting that the allocation of resources is a matter for Council to determine
- Pursue alternative means of resolving complaints and disputes through external agencies, publicity and/or taking legal action if the complaint or dispute cannot be resolved to their satisfaction

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 8 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

Council is entitled to expect that the behaviour of members of the local community who are angry with Council must stay within certain acceptable limits. If behaviour strays beyond these limits, Council is entitled to consider placing and enforcing limits on contact between Council and the person(s) displaying the inappropriate behaviour as articulated in its discretionary limits.

Discretionary Limits

Council considers the following matters before imposing any such limitations:

1. In the absence of compelling reasons to the contrary, members of the public are entitled to seek advice and assistance and utilise the services and facilities provided by Council.
2. Complaints and criticism are legitimate and potentially constructive aspects of the relationship between Council and its community. They are a valuable means of reflecting on the operations of Council and improving both those operations and the quality of Council's relationship with the community.
3. Anger is an understandable and, to some degree, an acceptable emotion on the part of members of the community frustrated with the actual or perceived misconduct or inaction of Council. It is an emotion that needs to be properly managed so that effective service can be delivered, communication can take place and Council staff members and Council facilities are not put at risk. It is unacceptable to unconditionally deprive any member of the community of the right to have their complaints and concerns examined or to use the services and facilities provided by Council.
4. In all but the most serious of cases, limits on access and use of services and facilities are applied only following a warning to the person that limits will be applied unless the specified unacceptable behaviour ceases. Decisions on limiting access are made by either the elected Council or delegated to the General Manager.

Council has set the following discretionary limits:

Not Replying to Correspondence

Where, following warning to the sender, Council receives further correspondence that contains *substantial and clearly inappropriate* content (such as abusive or threatening language or adverse personal reflections on individuals), Council is entitled to inform the author that they will not receive a substantive reply. In this way, the sender is given a

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 9 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

further opportunity to reframe the correspondence. This limitation is used only when the inappropriate content is substantial, explicit and material.

Limitation is not imposed in cases of trivial or isolated remarks. In such instances, comment in the course of a substantive reply on the need to refrain from using inappropriate language is sufficient.

Terminating Phone Calls

Where following due warning, a caller to Council continues to use inappropriate language (such as strong abusive language, making threats or casting adverse personal reflections on individuals), it may be appropriate for the staff member taking the call to terminate the telephone call.

This limitation is only imposed in the most exceptional cases.

In the case of persistent callers using inappropriate language, the caller is requested to transact future business in writing or, if by telephone, then only with a nominated Senior Officer.

Limiting Face to Face Contact

It is appropriate for Council staff to terminate a personal attendance where, following due warning, the person in question continues to:

- Use inappropriate language (such as strong abusive language, making threats or casting adverse personal reflections on individuals), or
- Behave otherwise inappropriately (such as acting in an overtly aggressive or threatening manner).

Limiting Rights of Addressing Meetings

Where, following due warning, a member of the public makes comments during Council Meetings that contravene the provisions of the Code of Meeting Practice or are otherwise inappropriate (by for example, using abusive or threatening language or casting adverse personal reflections on individuals), the presiding officer at that Meeting may consider whether this conduct should be dealt with as disorderly conduct.

Where members of the public repeatedly address Council Meetings on the same or similar issues and, as a result, other members of the public are unable to themselves

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 10 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

address Council Meetings, Council is entitled to impose limits on the number and length of opportunities it will give to that person to address Council Meetings.

Declining to Further Investigate Complaints

Where, following a thorough investigation of a complaint and following a proper internal review of that decision, the complainant remains dissatisfied with the outcome of the complaint, Council may consider placing limits on further communications with the complainant. This is an action of last resort and the elected Council only takes this decision once other options are exhausted.

Limitations may include the following:

- Declining to respond to any communications unless in writing, and
- Informing the author that all further correspondence will be filed without acknowledgement unless it includes significant new information or raises new issues that in the opinion of Council warrant action.

In these cases, complainants may wish to refer their complaint to other complaint handling bodies like the NSW Ombudsman or the ICAC.

Abusing the Right to Information

In some cases individuals or groups place excessive demands on the resources of Council in responding to continual and extensive demands for information (such as sending large numbers of letters each containing detailed requests for information). In these cases, Council may, if it is satisfied that the resource demands in responding to these contacts are excessive, place specific limits on the manner and/or degree to which it will respond to these demands.

However, any such limitations will not impede the statutory rights of the public to information as outlined in the *Freedom of Information Act*, the *Local Government Act* or the *Environmental Planning and Assessment Act*.

At times when members of the community constantly raise new issues with Council despite having no significant personal interest in them nor representing any broader community interest in them, in these circumstances, Council may, if it determines that the resource demands in responding to these contacts are excessive, place specific limits on the degrees to which it will respond to these communication (again, however, subject to any statutory rights to information available to the public).

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 11 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

These limits include determining not to respond to correspondence unless it raises new and significant issues, or placing numerical limits on the number of inquiries Council will respond to in a designated period.

REPORTING OUTCOMES

The information collected on complaints is valuable in determining where things went wrong and how services could be improved. As a measure of public accountability as well as being useful to staff within Council in improving operations regular updates should be produced briefly describing:

- The frequency of complaints made both verbally and in writing
- A breakdown by categories of the subject matter of complaints
- The percentage that are resolved
- The method by which resolution was achieved
- A carry over figure of matters under inquiry or not resolved at date

CONTACTS

NSW Department of Local Government

NSW Department of Local Government
 Locked Bag 1500
 BANKSTOWN NSW 2200
 Telephone (02) 9793 0793
 Facsimile (02) 9793 0799
 Email dlg@dlg.nsw.gov.au
 Web site www.dlg.nsw.gov.au

Office of the NSW Ombudsman

The Office of the NSW Ombudsman
 Level 24
 580 George Street
 SYDNEY NSW 2000
 Telephone (02) 9286 1000
 Facsimile (02) 9283 2911
 Email nswombo@nswombudsman.nsw.gov.au
 Web site www.nswombudsman.nsw.gov.au

TITLE:	Complaints Handling	FILE: PR01/01
SECTION:	Public Relations	
DOCUMENT:	Policy	PAGE: 12 of 12
COUNCIL ADOPTION:		
DATES AMENDED:		DATE: 01/02/01

The Independent Commission Against Corruption

The Independent Commission Against Corruption

GPO Box 500

SYDNEY NSW 2001

Telephone (02) 9318 5999

Facsimile (02) 9699 8067

Email icac@icac.nsw.gov.au

Web site www.icac.nsw.gov.au

Further information

Guarantee of Service, Ashfield Municipal Council, 2001.

References

Better Service and Communication – Guidelines for Local Government, NSW

Ombudsman, June 2000.

Complaints Management in Councils, Department of Local Government Practice Note No. 9, 1994.