



Bayside Council

Serving Our Community

Complaints Management Policy

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Complaints Management Policy
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1 Introduction

1.1 Background

Bayside Council recognises the right of a customer to complain when feeling dissatisfied with Council's policies, procedures, staff or the quality of service provided.

Bayside Council is therefore committed to receiving, managing and resolving complaints to continually improve customer experience, our services and community satisfaction.

Bayside Council's Complaint Management Policy is based on the NSW Government Ombudsman's *Complaint Management Framework and Model Policy, June 2015 and Effective Complaint Handling Guidelines 3rd Edition, February 2017*.

The objective of this policy is to provide a framework and guiding principles for Councillors, staff and the community in effectively dealing with and managing complaints that enables continuous improvement of customer experience, services and community satisfaction.

1.2 Definitions

Code of Conduct means the Code of Conduct adopted by Council or the Model Code if none is adopted

Complaint means an expression of dissatisfaction with the council's policies, procedures, staff or the quality of the services.¹

Complaint Management System means all policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

Customer Request Management System means a system Council uses to receive, record, action and manager request for service, request for information, compliments and complaints from customers.

Council means Bayside Council NSW.

Councillor means a person elected or appointed to civic office as a member of the governing body of council including the mayor.

Dispute means an unresolved complaint escalated either within or outside of our organisation.

Feedback means opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services, products and/or complaint handling where a response is not explicitly or implicitly expected or legally required.

General Manager means the general manager of Council and includes their delegate or authorised representative

¹ NSW Government Office of Local Government

Grievance means a clear, formal written statement by an individual staff member about another staff member or a work related problem.

ICAC means the Independent Commission Against Corruption (ICAC) - an independent agency of the Government of New South Wales.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog who ensure the agencies they watch over fulfil their functions properly and improve their delivery of services to the public.

OLG means the Office of Local Government, which is responsible for local government across NSW.

Public interest disclosure means a report about wrongdoing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.

Staff means Bayside Council employees, and contractors and agents engaged to represent Bayside Council

1.3 Policy Statement

Bayside Council is committed to providing an accessible mechanism for people to make complaints to and about Council's policies, procedures, staff and quality of service, and that they are dealt with fairly, transparently, objectively and in a timely and effective manner.

1.4 Scope of Policy

This policy applies to any persons who make, receive, respond and manage complaints to or about Bayside Council.

2 What is a Complaint?

A **Complaint** is when a person/s expresses dissatisfaction with the council's policies, procedures, staff or the quality of the services.

a Policies and Procedures

Complaint about policies and procedures are usually related to a person/s dissatisfaction with service charges, policy decisions or an agreed practice covered by a policy or procedure.

b Staff

Complaints about staff generally refer to dissatisfaction with the staff member/s behaviour.

c Quality of service

Complaints about quality of service generally relates to the service not being delivered to the expected standard or within a reasonable time frame.

3 What Is Not A Complaint?

The following **are not** considered complaints in the scope of this policy are therefore dealt with through separate mechanisms:

- a Request for Information
- b An explanation about policies and procedures
- c Request for Service (*unless there is no response to the initial request or where the person/s was dissatisfied with the response*)
- d Report of a hazard or risk
- e An event, service or business for which Council is not responsible
- f Disagreement with Council's policy or a lawfully made decision
- g Reports of damaged or faulty infrastructure
- h Reports about neighbours, noise, dogs, unauthorised building work or similar issues that fall into the regulatory aspect of Council's responsibility
- i The issue of a penalty notice or taking other regulatory action for an offense under an Act or Regulation
- j Appeals or objections regarding development applications
- k Responses to requests for feedback about a standard of service provision
- l Staff grievances or Code of Conduct Complaints
- m Public interest disclosure.

4 Guiding Principles

4.1 Accessibility

Council ensures that information about how and where complaints may be made to or about the Council is well publicised.

Council ensures that the systems and processes to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

Council provides assistance where applicable to the person/s to lodge a complaint in writing, offer an interpreter, and/or refer complainants to advocacy services if needed.

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 members, carer, legal or community representative, member of Parliament, another organisation).

4.2 Complaint Management

Council is committed to seeking and receiving feedback and complaints about our policies, procedures, staff and quality of service.

People making the complaints are:

- treated fairly, equitably and respectfully by staff

- provided an acknowledgement and reference number of their complaint
- provided with information about Council's complaint handling process
- provided with multiple and accessible ways to make complaints
- actively involved in the complaint process where possible and appropriate
- provided with advice and/or a referral where appropriate if Council is unable to deal with any part of the complaint
- provided with an expected timeframe for action
- provided with an update on the progress of the complaint and any reasons for the delay
- notified and provided reasons of the outcome and/or decision
- provided with any options for redress or review where applicable within a reasonable timeframe.

4.3 Complaints involving multiple parties

Where a complaint involves multiple organisations and/or stakeholders, Council will work with them 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 is also organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within the organisation, responsibility for communicating with the person making the complaint and/or their representative is also coordinated.

Where Council's services are contracted out, Council ensures the contracted service providers have an accessible complaint management system in place.

4.4 Ethics and Confidentiality

Council deals with each complaint professionally with integrity and in an equitable, objective and unbiased manner.

Council takes all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Council protects the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals is only disclosed or used by the Bayside Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

4.5 Anonymous Complaints

Council accepts and records anonymous complaints.

Council generally only acts on these complaints where it appears to be a serious risk to the public, and/or where there is sufficient information to enable an investigation to occur.

Details supplied by the person making the complaint may not be treated as anonymous to enable Council to properly assess the complaint and determine best course of action.

4.6 Unreasonable Conduct by Person/s

Unreasonable Behaviour

Council staff will not engage with customers or other persons if they:

- a are disrespectful to staff and/or other community members
- b are verbally abusive, aggressive and/or threatening to staff and/or other community members
- c provide misleading or inaccurate information to Council
- d withhold information from Council and other relevant authorities necessary to adequately investigate the complaint
- e act dishonestly
- f unreasonably do not and/or refuse to cooperate with Council and other relevant authorities.

Unreasonable Persistent Complaints and Demands

The General Manager and/or their delegate may implement administrative controls when the person/s:

- a 'bombard' Council with extraneous information
- b unreasonably demand outcomes that are unattainable, or when they move the 'goal posts' or demand to have their complaints dealt with in a certain way
- c persist with their issues even though they have been dealt with to finality, refuse to accept final decisions or send excessive amounts of correspondence.

4.7 Transparency

Council records, monitors, analyses and reports on complaints in accordance with the Office of Local Government requirements and to improve its policies, procedures, systems, staff and practices.

4.8 Dispute Resolution

There may be occasions where Council cannot resolve a complaint to the satisfaction of the complainant. In such cases, consideration may be given to a form of alternative dispute resolution procedure (such as mediation) or Council may refer the complainant to an external agency.

5 Policy implementation

5.1 Policy Responsibilities

The General Manager has the overall responsibility for this Policy.

The Manager Customer Experience is responsible for the administration of the Policy.

All staff are responsible for implementing and complying with the policy and procedures.

5.2 Procedures

Procedures that support this policy, may be approved by the General Manager from time to time and include such items as:

- Complaint Management Guidelines
- Detailed processes and procedures for staff when dealing with complaints

5.3 Breaches

Non-compliance of this policy by Council, Council staff and all persons dealing with complaints to or about Bayside Council will be addressed in accordance with the Bayside Council's Code of Conduct and relevant legislation.

6 Document control

6.1 Review

This policy will be reviewed every 4 years or when relevant legislation changes. The General Manager may approve non-significant and/or minor amendments that do not change the policy substance.

6.2 Related documents

- Local Government Act NSW 1993
- Local Government Regulation (General) 2005
- Bayside Council Code of Conduct
- Bayside Council Statement of Business Ethics
- Bayside Council Access to Information Policy
- Bayside Council Privacy Management Plan
- Bayside Council Public Disclosure Policy
- Bayside Complaint Management Guidelines and Procedures
- NSW Ombudsman Complaint Management Framework and Model Policy, June 2005
- NSW Ombudsman Effective Complaint Handling Guidelines, 3rd Edition, February 2017.

6.3 Version history

| Version | Release Date | Author | Reason for Change |
|----------------|---------------------|-----------------------------|--------------------------|
| 1.0 | 13/11/2019 | Manager Customer Experience | Policy Harmonisation |