



**Bayside Council**

Serving Our Community

# **Complaints Management Guidelines**

**8 April 2021**



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Complaints Management Guidelines

File: F14/311 Document: 20/267114

Policy Register: F16/951 Policy No: PP21/4

Class of document: Corporate Procedure

Enquiries: Manager Customer Experience



Telephone Interpreter Services - 131 450

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# 1 Introduction

Bayside Council remains committed to delivering exceptional service and values compliments, complaints and feedback from our community.

Council's Complaint Management Policy and Complaints Management Guidelines reinforces our commitment to effective and responsive complaint management.

The Complaint Management Guidelines outline what is and what is not a complaint, and the processes and responsibilities in complaint management for our community and staff to follow.

# 2 Definitions

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

**Code of Conduct complaint** means particular subset of complaints relating to alleged breaches of Council's Code of Conduct by council officials, that are handled in accordance with Council's Code of Conduct Procedures.

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

**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.

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

## **NSW Ombudsman**

The NSW Ombudsman is an independent and impartial watchdog who ensure agencies like Councils 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.

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<sup>1</sup> NSW Government Office of Local Government

**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.

### 3 Why People Complain

People make complaints because they are unhappy about a decision, the way a service was delivered, the service level they received or the behaviour of staff.

It may not be initially clear why the person is unhappy. Listening patiently and asking questions to clarify what is the key issue and what they believe should happen in regard to the issue, usually clarifies the reason for the complaint and can help determine the appropriate response and action to occur.

Information that a complaint provides is valuable as it can assist with strategic planning and mitigate current and/or emerging risks. It can identify business and process improvements needed to assist with better management of community expectations and can be a catalyst for positive change.

## 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 people, in order that they may 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 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 Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

### **4.3 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.

## **5 What is a Complaint?**

A **Complaint** is when a person/s expresses dissatisfaction with Council's policies, procedures, staff or the quality of the service as follows:

### **5.1 Policies and Procedures**

Complaints 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.

### **5.2 Staff**

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

### **5.3 Quality of service**

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

## **6 What is Not a Complaint?**

The following are **NOT** considered complaints in the Complaints Management Policy and 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 compliance aspect of Council's responsibility
- i. The issue of a penalty notice or taking other compliance 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 provided
- l. Staff grievances or Code of Conduct complaints
- m. Public interest disclosure.
- n. Communications (such as oral, written correspondence, petitions, and the like) relating to a decision of Council and/or attempting to influence a decision of Council.

## 7 Council's Commitment

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

People making complaints will be:

- a. treat fairly, equitably and respectfully by staff
- b. provided with an acknowledgement and reference number of their complaint
- c. provided with information about Council's complaint handling process
- d. provided with multiple and accessible ways to make complaints
- e. actively involved in the complaint process where possible and appropriate
- f. provided with advice and/or a referral where appropriate if Council is unable to deal with any part of the complaint
- g. provided with an expected timeframe for action
- h. provided with an update on the progress of the complaint and any reasons for a delay
- i. notified and provided with reasons for the outcome and/or decision
- j. provided with options for redress or review where applicable within a reasonable timeframe.

## 8 Managing Complaint Types

### 8.1 Complaints about Policies and Procedures

Complaints about Policies & Procedures will be referred to the Manager of the business unit responsible to review and respond to the complainant.

### 8.2 Complaints about Staff

Complaints about:

- A Staff Member, will be referred to their Coordinator
- A Co-ordinator, will be referred to their Manager
- A Manager, will be referred to their Director
- A Director, will be referred to the General Manager
- The General Manager, it will be referred to the Mayor.

However, in the case of more serious alleged breaches of the Code of Conduct or alleged breach in the law, it will be referred to the Complaints Coordinator (currently the Manager Governance & Risk) to review and determine course of action in consultation with the General Manager.

Under section 11 of the [\*Independent Commission Against Corruption Act 1988\*](#) the General Manager has a duty to report to the ICAC any matter where there is a reasonable suspicion that corrupt conduct has occurred or may occur.

Any complaints regarding the Mayor, Councillors or the General Manager will be reported to the Manager Governance & Risk to review and respond to the complainant.

### **8.3 Complaints about Quality of Service**

Complaints about quality of service will initially be referred to the Manager of the team responsible for review. It may escalate to the Director in accordance with the complaint management framework in section 11 below.

## **9 Other specific complaint types**

### **9.1 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. If this is the case they will be referred to the relevant business unit and or relevant officer as described above to determine the course of action.

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

### **9.2 Complaints involving multiple related 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.

When similar complaints are made by related parties, Council will try to make satisfactory arrangements to communicate with a single representative of the group. If this is not possible, for example, the complainants cannot agree on a person to represent the group, steps will be taken to ensure complainants are given consistent information and advice. For example, Council could meet with the group collectively or provide standard correspondence to the parties complaining.

### **9.3 Complaints involving multiple business units within Council**

Where a complaint involves multiple areas within the organisation, responsibility for communicating with the complainant and/or their representative will be determined.

Council will ensure that one business unit has the responsibility of co-ordinating the responses and liaising with the complainant. The complainant is advised of the complaint management process and who is coordinating the review of the complaint on behalf of Council.

#### **9.4 Complaints about contractors**

Where Council's services are contracted out, Council ensures the contracted service providers have an accessible complaint management process available. The complaint will be referred to the contractor for review and response to the complainant, in consultation with the manager of the relevant business unit.

Complaints regarding alleged breach of contract by the contractor are referred to the manager of the relevant business unit for review and response to the complainant.

#### **9.5 Complaints received from statutory authorities**

Complaints received via the Office of Local Government, NSW Ombudsman and/or other Statutory Authorities are to be referred to the General Manager.

#### **9.6 Public Interest Disclosures**

Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention.

Council's Public Interest Disclosures Policy outlines an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal.

Refer to Council's website [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au) to access the Public Interest Disclosure Policy.

#### **9.7 Complaints alleging criminal or corrupt conduct**

Complaints alleging criminal or corrupt conduct are reported to the Manager of Governance & Risk for investigation.

## **10 Unreasonable Conduct**

### **10.1 Categories**

To help Council to investigate and resolve the complaint, the complainant is to;

- a. Contact Council using our published contact methods to lodge the complaint
- b. Provide Council with timely and accurate information that is necessary to investigate the complaint
- c. Recognise their responsibility and accountability in the matter and work with us to resolve the complaint
- d. Understand that some complaints particularly if they are complex will take time to investigate and resolve
- e. Treat Council staff with courtesy and respect.

Council may cease to engage with or place administrative controls on a complainant (and their associated parties) if the complainant, demonstrates unreasonable conduct.

The categories of unreasonable conduct is outlined in the table below;

<b>CONDUCT</b>	<b>SUMMARY</b>
Unreasonable persistence	<ul style="list-style-type: none"> <li>• Persisting with their issues even though they have been dealt with to finality</li> <li>• Refusing to accept final decisions</li> <li>• Sending excessive amounts of correspondence.</li> </ul>
Unreasonable demands	<ul style="list-style-type: none"> <li>• Insists on outcomes that are unattainable,</li> <li>• Moving the 'goal posts'</li> <li>• Demanding to have their complaints dealt with in particular ways.</li> </ul>
Unreasonable lack of cooperation	<ul style="list-style-type: none"> <li>• Unreasonably refuses to cooperate with Council and other relevant authorities.</li> <li>• Provides misleading or inaccurate information.</li> <li>• Provides disorganised, excessive or irrelevant information,</li> <li>• Withholds information from Council and other authorities necessary to adequately investigate the complaint</li> <li>• Acts dishonestly</li> <li>• Is unwilling to consider other valid viewpoints</li> <li>• Refuses to define their issues of complaint when they are capable of doing so.</li> </ul>
Unreasonable arguments	<ul style="list-style-type: none"> <li>• Seeing '<i>cause and effect arguments</i>' where there are clearly none</li> <li>• Holding conspiracy theories unsupported by evidence</li> <li>• Irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.</li> </ul>
Unreasonable behaviours	<ul style="list-style-type: none"> <li>• Is disrespectful to staff and other community members</li> <li>• Unreasonably harasses staff and/or authorities</li> <li>• Demonstrates extreme anger, aggression, or other threatening and violent conduct towards staff or other community members.</li> </ul>

## 10.2 Administrative controls

If the complainant's behaviour is unreasonable, a Council officer can warn and formally advise the complainant on the expected standards of conduct as outlined in these guidelines and advise on the consequences if the unreasonable conduct does not cease.

If the behaviour continues to be unreasonable, Council may approve administrative controls to be placed on the complainant which include but are not limited to:

- Cease engaging with the complainant.
- Assign a more senior staff member to be the main contact person
- Limit the method of communication exchange, for example the complainant must only correspond via mail or email.
- Limit the frequency of correspondence permitted.
- Limit the degree to which Council will respond to a complainant's communications subject to any statutory rights to information available to the public, which may include not responding to correspondence unless it raises new issues.

Council will specify in writing to complainant the administrative controls that has been imposed and the reasons they have been imposed.

**Note:** If staff feel threatened by unreasonable behaviour as outlined above, they may cease engaging with the complainant immediately. They may also call the Police if they are concerned about their immediate safety and the safety of others. Staff will document the incident and report it to their Director and the Manager Governance & Risk to determine appropriate action.

# 11 Complaint Management Framework

Council's complaint management framework applies a three tiered approach consistent with the Ombudsman NSW best practice model.

## Tier 1: Front Line Complaints Handling

All Staff	<p><b>First Point of Contact:</b></p> <ul style="list-style-type: none"><li>• Provide information about the organisation's complaint handling policy and guidelines</li><li>• Clarify with the customer if the matter is a complaint in accordance with the definitions outlined in the Policy and Guidelines.</li><li>• Refer the complainant to another organisation e.g. where the complaint is not about Council or within its jurisdiction</li><li>• Register and document each complaint in Council's Customer Request Management system (CRM)</li><li>• Resolve complaints at first point of contact where possible</li><li>• Refer the (CRM) to the responsible officer in relation to the nature of the complaint.</li></ul> <p><b>Responsible Officer:</b></p> <ul style="list-style-type: none"><li>• Review the complaint and determine appropriate action.</li><li>• Inform the complainant of the decision made about their complaint, the reasons for the decision, and their right to request a review of the decision</li><li>• Refer the complaint to Tier 2 if it is:<ul style="list-style-type: none"><li>○ complex beyond the staff member's capability or responsibility</li><li>○ outside the staff member's authority</li><li>○ a serious allegation about staff and/or conduct</li><li>○ cannot be resolved by the responsible officer and/or to the satisfaction of the customer\</li></ul></li></ul>
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## Tier 2: Internal Review, Dispute Resolution and/or Investigation

<p>Coordinators, Managers and Directors</p>	<ul style="list-style-type: none"> <li>• Conducts an internal review of a complaint escalated from Tier 1 and determines course of action including reinforcement of original Tier 1 response, dispute resolution and/or further investigation</li> <li>• Reviews complaints about staff within their business unit. <i>Serious allegations to be referred to the Manager Governance &amp; Risk to investigate.</i></li> <li>• Reviews and responds to complex and/or sensitive complaints that have been directly referred or delegated by their direct supervisor.</li> <li>• Inform the complainant of the decision made about their complaint, the reasons for the decision and their right to request a review of the decision</li> <li>• Refers to Tier 3 if;             <ul style="list-style-type: none"> <li>○ it cannot be resolved in accordance with delegation</li> <li>○ requires further input and direction from a more senior supervisor or subject matter expert.</li> </ul> </li> </ul>
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## Tier 3: General Manager Review

<p>General Manager</p>	<ul style="list-style-type: none"> <li>• Reviews complaints escalated from Tier 2 and advises on appropriate action</li> <li>• Reviews and determines appropriate action on complaints received from Statutory Authorities</li> <li>• May refer a complaint for external review</li> <li>• May approve administrative controls to be applied in regards to unreasonable conduct by complainants refer to Section 7 and 8.</li> </ul> <p>Note: If the complaint is about the General Manager then the complaint will be referred to the Mayor or an external agency.</p>
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## 12 Dispute Resolution and Appeals

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.

If a person is dissatisfied with the outcome of their complaint they can request a review of the decision. An internal review will be undertaken by the Manager or Director of the business unit.

## 13 Complaint Management

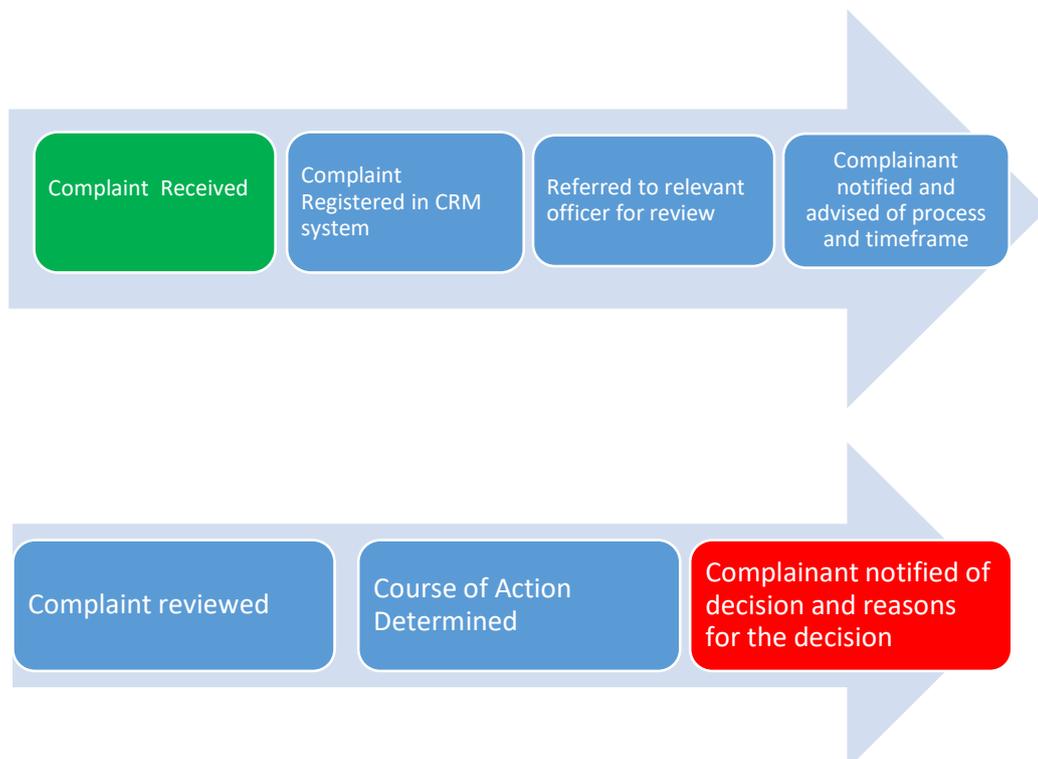
Complaints received are registered in Council's complaint management system.

Complaints are monitored and reported to relevant authorities in accordance with statutory requirements.

Council continually analyses complaints data and trends to identify the root cause of issues and improvement opportunities.

Council is committed to continually reviewing and improving our services, systems, processes and practices arising out complaints data, community feedback and legislation changes.

## 14 Complaint Management Process Map



## 15 Document Control

### 15.1 Review

These Guidelines are reviewed every four (4) years or when relevant legislation changes.

The Manager Governance & Risk may approve non-significant and/or minor amendments that do not change the substance of the Guidelines.

### 15.2 Related Documents

- Bayside Council Complaint Management Policy
- Local Government Act NSW 1993
- Local Government Regulation (General) 2005
- Bayside Council Code of Conduct
- Bayside Code of Conduct Procedures
- 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, 3<sup>rd</sup> Edition, February 2017.

### 15.3 Version history

Version	Release Date	Author	Reason
1.0	08/04/2021	Manager Customer Experience	New Document