



**Bayside Council**

Serving Our Community

# **Complaints Management Policy**

**8 April 2021**



© Bayside Council

Complaints Management Policy  
File: F14/311 Document: 19/198011[v2]  
Policy Register: F16/951 Policy No.: PP19/20  
Class of document: Council Policy

Enquiries: Manager Customer Experience



Telephone Interpreter Services - 131 450 Τηλεφωνικές Υπηρεσίες Διερμηνέων بخدمة الترجمة الهاتفية 電話傳譯服務處 Служба за преведување по телефон

# Contents

<b>1</b>	<b>Introduction</b> .....	<b>4</b>
1.1	Background .....	4
1.2	Definitions .....	4
1.3	Policy Statement .....	5
1.4	Scope of Policy .....	5
<b>2</b>	<b>What is a Complaint?</b> .....	<b>5</b>
<b>3</b>	<b>What Is Not A Complaint?</b> .....	<b>5</b>
3.1	Anonymous Complaints .....	6
<b>4</b>	<b>Guiding Principles</b> .....	<b>6</b>
4.1	Accessibility .....	6
4.2	Ethics and Confidentiality .....	6
4.3	Transparency .....	6
<b>5</b>	<b>Council’s Commitment</b> .....	<b>7</b>
<b>6</b>	<b>Unreasonable Conduct</b> .....	<b>7</b>
<b>7</b>	<b>Complaint Management</b> .....	<b>7</b>
<b>8</b>	<b>Policy implementation</b> .....	<b>8</b>
8.1	Policy Responsibilities .....	8
8.2	Procedures.....	8
8.3	Breaches.....	8
<b>9</b>	<b>Document control</b> .....	<b>8</b>
9.1	Review .....	8
9.2	Related documents .....	8
9.3	Version history .....	9

# 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 3<sup>rd</sup> 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.

**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

---

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

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.

**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 Council's policies, procedures, staff or the quality of the service as follows:

- 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 a staff member/s behaviour.
- c **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.

## 3 What Is Not A Complaint?

The following are **NOT** considered complaints in the scope of this 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.

### **3.1 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.

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 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 and 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.

### **4.2 Ethics and Confidentiality**

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

### **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 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. treated fairly, equitably and respectfully by staff
- b. provided 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.

## 6 Unreasonable Conduct

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) in accordance with the Complaint Management Guidelines, if the complainant demonstrates unreasonable:

- a. Persistence
- b. Demands
- c. Lack of cooperation
- d. Arguments
- e. Behaviours.

## 7 Complaint Management

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

Council implements complaint management guidelines that support the policy and are consistent with the Ombudsman NSW best practice model.

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

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

## **8 Policy implementation**

### **8.1 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.

### **8.2 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.

### **8.3 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.

## **9 Document control**

### **9.1 Review**

This policy will be reviewed every four (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.

### **9.2 Related documents**

- Local Government Act NSW 1993
- Local Government Regulation (General) 2005
- Bayside Council Code of Conduct
- Bayside Council Code of Conduct Procedures
- Bayside Council Statement of Business Ethics
- Bayside Council Access to Information Policy



- Bayside Council Privacy Management Plan
- Bayside Council Public Interest Disclosures 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.

### 9.3 Version history

<b>Version</b>	<b>Release Date</b>	<b>Author</b>	<b>Reason for Change</b>
1.0	13/11/2019	Manager Customer Experience	Policy Harmonisation
2.0	08/04/2021	Manager Customer Experience	Alignment between Policy and new Complaint Management Guidelines