

## 1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	14/01/2009	25	14/01/2009
2	11/05/2010	0142	11/05/2010
3	13/06/2017	17/134	13/06/2017
4	24/09/2019	19/302	25/10/2019
5	28/11/2023	23/275	02/01/2024

## 2 Policy Objective

This policy defines and details the nature of complaints and how they are managed by Council. The Complaints Management Policy details:

- The process for lodging complaints.
- Types of complaints.
- The three-tier complaint handling system which includes internal and external reviews.
- Managing unreasonable complainant conduct.

## 3 Policy Statement

The Complaints Management Policy clearly sets out the system of complaints management at Griffith City Council so to ensure that concerns are treated seriously and that complaints are addressed in a fair and timely manner.

This policy covers complaints about Council's processes, procedures, policies or quality of services as distinct from the Council's services or from matters such as reporting corruption or misconduct of elected officials. Council has adopted the *Model Council Code of Conduct*, which includes procedures for reporting and investigation of breaches of the code of conduct by Councillors and Council staff.

The Policy acknowledges the rights of members of the public to provide feedback about Council services and the conduct of Councillors and staff. The expression of a complaint by a member of the public provides an opportunity for Council to:

- Improve its level of accountability to the community;
- obtain valuable feedback on its performance as an organisation;
- demonstrate its commitment to customer service by professionally addressing the specific needs of the complainant;
- identify deficiencies in its current service delivery programmes; and
- identify areas for improvement.

### **3.1 Responsibilities and Scope**

This policy applies to all staff, Councillors and other Council Officials.

All Council staff have an individual duty of care for the delivery of quality customer service.

All Council Officials are responsible for ensuring compliance with this policy and related legislation and procedures.

Council's Public Officer is responsible for investigating complaints, recommending outcomes and appropriate method(s) of redress to the General Manager. The Public Officer will call upon specialised staff with technical expertise to assist in matters that require technical guidance.

The General Manager is responsible for the implementation of the Complaints Management Policy.

## **4 Complaints**

A complaint by definition is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

A complaint does not include:

- a request for Council services
- a request for information or explanation of policies or procedures or decisions of Council
- reports of damaged infrastructure
- reports of hazards
- reports concerning neighbours or neighbouring property (e.g. noise or unauthorized works)
- the lodging of an appeal in accordance with Council procedure or policy.

### **4.1 Complaint Types**

#### **4.1.1 Complaints against staff**

Complaints made against a member of staff are to be directed to the General Manager and dealt with in accordance with the Code of Conduct and the Local Government State Award.

#### **4.1.2 Corrupt Conduct**

Under Section 11 of the ICAC Act 1988, the General Manager must report these complaints to the Independent Commission Against Corruption in circumstances

where there is reasonable suspicion that corruption in any form has occurred within Council.

#### **4.1.3 Complaints concerning council policies, procedures & charges**

Complaints made in relation to Council policies, procedures and/or charges are to be referred to the relevant Council Director who has responsibility for the area that the policy, procedure or charge relates to.

#### **4.1.4 Public Interest Disclosures**

Public Interest Disclosures are covered by Council's Internal Reporting Policy and will be handled in accordance with that policy.

#### **4.1.5 Competitive Neutrality Complaints**

An actual or potential competitor of a Council business may make a complaint if it believes that it is being adversely affected through a failure to adopt competitive neutrality – that is, Council is operating with an unfair competitive advantage. Competitive Neutrality complaints must be in writing and will be referred to Council's Public Officer who will acknowledge and investigate the complaint and will provide a response within twenty-one (21) days.

#### **4.1.6 Privacy Complaints**

Complaints relating to privacy and breaches of the Privacy & Personal Information Protection Act 1998 are to be referred to the Public Officer. Complaints regarding privacy are dealt with in accordance with Council's Privacy Management Plan.

#### **4.1.7 Anonymous Complaints**

While anonymous complaints will be recorded, Council will generally only act on them where the matter is of a safety or serious nature and there is sufficient information in the complaint to enable an investigation to be undertaken. The decision on whether to investigate will be made at the discretion of the Public Officer.

#### **4.1.8 Pecuniary Interest Complaints**

If the matter complained about concerns an alleged breach of the pecuniary interest provisions of the Local Government Act; the OLG Pecuniary Interest Guidelines 2006 make it clear that such matters must be reported by the General Manager after reviewing all information and determining that there is evidence consistent with a breach of the Act.

#### **4.1.9 Political Donation Complaints**

Additionally, if the General Manager reasonably suspects that a councillor has not complied with the provisions of the Code of Conduct relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in

relation to political donations, the General Manager is to refer the matter to the Director-General of the Department of Local Government.

#### **4.1.10 Complaints Relating To Councillor, Mayor or General Manager**

All complaints alleging misconduct in relation to a Councillor (including the Mayor) must be reported in writing to the General Manager. A complaint alleging misconduct by the General Manager must be reported in writing to the Mayor. The provisions contained in the Code of Conduct will be applied to any subsequent investigation and findings.

### **4.2 Lodging Complaints**

- 4.2.1** Complaints should be lodged with Council in writing (including by email) to the General Manager.
- 4.2.2** Complaints must include the name, address and contact number of the complainant and a brief description of the problem.
- 4.2.3** If a Councillor receives a complaint, the Councillor should refer the matter directly to the General Manager.

### **4.3 Confidentiality**

Council will ensure that confidentiality is maintained in regard to complaints received. Every endeavour to treat all complaints confidentially will be made, however, due to statutory and other requirements, confidentiality cannot always be guaranteed.

Staff receiving and recording complaints alleging corrupt conduct, pecuniary interest, maladministration or improper use of position, must ensure that all allegations contained therein are referred directly to the General Manager or the Public Officer, and not discussed thereafter. 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.

### **4.4 Recording of Complaints**

- 4.4.1** All complaints received by Council will be recorded in Council's electronic document management system as a "complaint" and linked to associated workflows.
- 4.4.2** Complaints involving corrupt conduct must be clearly identified as a "formal complaint" in a confidential and secured folder within Council's document management system.

## **4.5 Tier Structure**

### **4.5.1 Tier 1: Frontline complaint handling**

Staff will, within the scope of their delegated authority; endeavour to resolve issues at the first point of contact. The subject of the complaint, the name of the complainant and their contact details, their actions and the resolution of issues must be recorded in Council's electronic document management system. Complainants will be encouraged to use all existing Council procedures to resolve their issue. If the matter cannot be resolved at the first point of contact, the matter once recorded must be sent to the Public Officer who will determine the most appropriate staff member to deal with the matter.

The Public Officer must ensure that the timelines within the table below are complied with and/or periodic updates are provided to the complainant.

### **4.5.2 Tier 2: Internal review**

Should the complainant be dissatisfied with the handling or determination of a complaint, the Public Officer will oversee the internal review process.

The Public Officer should advise the complainant that they may request in writing this type of internal review. If requested, the Public Officer will review the matter and call upon the help of a specialist officer (if technical issues are raised) and respond to the complainant accordingly.

The Public Officer will advise the complainant in writing of the expected turnaround times (after consultation with the officer conducting the review process) and keep the complainant updated if an extension or more information is required.

### **4.5.3 Tier 3: External review**

Should the complainant be dissatisfied with the internal review process and findings, they will be provided with the relevant information by the Public Officer regarding rights of appeal and may seek a review by the:

- NSW Ombudsman on 1800 451 524 or at [www.ombo.nsw.gov.au](http://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](http://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](http://www.olg.nsw.gov.au) - for complaints about the overall functioning of Council, pecuniary interest issues, tendering or Councillor misconduct.

#### 4.6 Acknowledgement and Communication with Complainant

Within the timeframes prescribed below, on the receipt of a complaint, the staff member responsible for handling the complaint will provide an acknowledgment to the complainant. The acknowledgement will detail receipt of the complaint, the process involved in investigating the allegation/s and an indication of time required for resolution. Such acknowledgement will be in writing, as appropriate, and details of this contact will be recorded against the complaint in Council's electronic document management system. The staff member responsible for handling the complaint will provide written advice to the complainant as to the outcome of investigations. Where appropriate, an offer of redress will be made and the complainant will be advised of any measures taken to minimise reoccurrence of the issue(s) underlying the complaint.

<b>Within 1 day</b>	All complaints will be recorded in Council's electronic document management system. All complainants will be provided with written acknowledgement of the complaint.
<b>Within 10 days</b>	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.
<b>Within 21 days</b>	Competitive Neutrality complaints will be acknowledged and within twenty-one (21) days. If further time is required, the Public Officer will advise the complainant and provide periodic updates.
<b>Within 28 days</b>	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 periodic intervals with the interval determined by the nature of the issue.
<b>Within 60 days</b>	Internal reviews should be completed within 60 days of the lodgement for a request for an internal review. For long and complicated reviews, an estimate of the time required and periodic updates should be provided by the Public Officer.

#### 4.7 Malicious, Frivolous and Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if, following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint. A decision to take no further action on the complaint will be made on recommendation to the General Manager and the complainant will be informed in writing of the decision.

Council may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints.

#### 4.8 Persistent Complainants

From time to time, Council will encounter complainants who are persistent and write again and again to the point that Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to future complaints.

The General Manager will consider all the facts and issues of the individual case prior to determining a response (being mindful of the Office of Local Governments Practice Note 9 – *Complaints Management in Councils* & NSW Ombudsman (2012) *Managing Unreasonable Complainant Conduct Manual*). If a decision is made to limit responses, the General Manager will write to the complainant explaining the Council's intention not to acknowledge or respond to further correspondence on the matter(s) unless new information is provided that the Council considers warrants action. The complainant will be advised that future written material will be filed.

With respect to telephone calls, the complainant may be advised that their calls will only be taken during restricted times and then only by a specific person; or that no future phone calls will be accepted or interviews granted about the same matter.

#### 4.9 Rude or Aggressive / Threatening Complainants

In cases where a complainant's behaviour is aggressive or threatening, i.e. the complainant:

- is consistently abusive or makes threats to staff or third parties using Council services or on Council premises;
- causes damage to Council property or threatens physical harm to staff or third parties.

Details of the aggressive or threatening behaviour are to be provided to the General Manager. The General Manager will consider all the facts and will consider the best course of action (being mindful of the Office of Local Governments Practice Note 9 – *Complaints Management in Councils* & NSW Ombudsman (2012) *Managing Unreasonable Complainant Conduct Manual*) and if deemed necessary may notify the complainant that they are not permitted to enter Council buildings for a period of time, that no phone calls will be accepted and that they may only correspond with council in writing.

The General Manager will notify the complainant in writing of the nature and duration of restrictions placed upon them. Templates available in the Workplace Aggression and Violence Procedure (WHS-PR-043).

A register of people whose access has been restricted should be kept by the Public Officer and staff should have access to the register and be familiar with its contents.

Threats of harm to an employee or any other Council Official should be taken seriously and referred to the Police immediately. A pragmatic approach to the staff member's safety and security should also be considered (depending on the nature of the threat) such as having the staff member arrive at or leave work whilst other staff are on duty, having the staff member escorted to their vehicle and vetting work calls if required.



Unreasonable Behaviour (rude and intemperate language) should not be tolerated by staff or any other Council Official. The General Manager should be informed and determine the best course of action being again mindful of (the Office of Local Governments Practice Note 9 – *Complaints Management in Councils* & NSW Ombudsman (2012) *Managing Unreasonable Complainant Conduct Manual*).

The Workplace Aggression and Violence Procedure (WHS-PR-043) provides templates for responding to aggression and violence complaints.

## 5 Delegation of Function

General Manager

## 6 Definitions

**Complaint** - A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

**Council official** - Council officials include Councillors, member of council staff and delegates of Council. A delegate of Council is a person or body to whom a function of Council is delegated, such as staff, Councillors, community representatives, volunteers, consultants and contractors.

**Conduct Review Committee** - the Conduct Review Committee is appointed by resolution of Council as persons independent of Council to act as reviewers into complaints made under the Code of Conduct.

**Formal Complaint** - Formal complaints are those that are of a serious nature such as those described in Clause "Complaints Involving Allegations of Maladministration or Corrupt Conduct".

**Malicious Complaints** - A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).

**Vexatious Complaints** - Complaints that are not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

## 7 Exceptions

None



## 8 Legislation

Independent Commission against Corruption (ICAC) Act 1998

NSW Local Government Act 1993

Privacy and Personal Information Act 1998

Public Interest Disclosures Act 1994

NSW Civil Liability Act 2002

## 9 Other Regulations and Policy

Code of Conduct

Office of Local Government and NSW Ombudsman Practice Note No. 9 – Complaints Management in Councils.

NSW Ombudsman (2012) Managing Unreasonable Complainant Conduct Manual

Workplace Aggression and Violence Procedure (WHS-PR-043)

## 10 Review

This Policy will be reviewed every four years, or sooner if required due to changes in relevant legislation or State Government policy.

## 11 Directorate

Economic and Organisational Development